

CITY OF BEAVERTON



COUNCIL AGENDA

FINAL AGENDA

FORREST C. SOTH CITY COUNCIL CHAMBER
4755 SW GRIFFITH DRIVE
BEAVERTON, OR 97005

REGULAR MEETING
JUNE 19, 2006
6:30 P.M.

CALL TO ORDER:

ROLL CALL:

PRESENTATIONS:

06108 CPA 2006-0001 Amending the Comprehensive Plan Chapters 1 and 2
and the Glossary

VISITOR COMMENT PERIOD:

COUNCIL ITEMS:

STAFF ITEMS:

CONSENT AGENDA:

Minutes of the Regular Meeting of June 5, 2006

06109 Liquor License: Change of Ownership - Uptown Market

06110 A Resolution Stating the Official Results of the May 16, 2006 Primary
Election (Resolution No. 3863)

PUBLIC HEARINGS:

06111 A Resolution Adopting a Budget for Fiscal Year Commencing July 1,
2006 (Resolution No. 3864)

06112 Regulation of Payday Loan Businesses

Contract Review Board:

06113 Request for Approval of a Contract-Specific Special Procurement

ORDINANCES:

First Reading:

- 06114 An Ordinance Amending Provisions of Chapter Seven of the Beaverton City Code Establishing Regulations on Payday Lending. (Ordinance No. 4394)
- 06115 An Ordinance Amending Comprehensive Plan Chapters 1, 2 and the Glossary (Ordinance No. 4187) Related to CPA 2006-0001. (Ordinance No. 4395)
- 06116 An Ordinance Amending the Comprehensive Plan (Ordinance No. 4187) Land Use Map and the Zoning Map (Ordinance No. 2050) Regarding Three Parcels Identified on Tax Map 2S10600 as Lots 101, 102 and 105. CPA 2005-0006/ZMA 2005-0008; 16655 SW Scholls Ferry Road. (Ordinance No. 4396)
- 06117 TA 2006-0004 (2006 Omnibus). (Ordinance No. 4397)

EXECUTIVE SESSION:

In accordance with ORS 192.660 (2) (h) to discuss the legal rights and duties of the governing body with regard to litigation or litigation likely to be filed and in accordance with ORS 192.660 (2) (e) to deliberate with persons designated by the governing body to negotiate real property transactions and in accordance with ORS 192.660 (2) (d) to conduct deliberations with the persons designated by the governing body to carry on labor negotiations. Pursuant to ORS 192.660 (3), it is Council's wish that the items discussed not be disclosed by media representatives or others.

ADJOURNMENT

This information is available in large print or audio tape upon request. In addition, assistive listening devices, sign language interpreters, or qualified bilingual interpreters will be made available at any public meeting or program with 72 hours advance notice. To request these services, please call 503-526-2222/voice TDD.

AGENDA BILL

**Beaverton City Council
Beaverton, Oregon**

SUBJECT: CPA 2006-0001 Amending the
Comprehensive Plan Chapters 1 and 2 and
the Glossary

FOR AGENDA OF: 06-19-06 **BILL NO:** 06108

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 06-05-06

CLEARANCES: Planning HB

PROCEEDING: Presentation

EXHIBITS:

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

HISTORICAL PERSPECTIVE:

The Comprehensive Plan Public Involvement and Procedures chapters were developed in 1995 in response to Periodic Review and Statewide Planning Goal 1. Since then, several amendments to various chapters resulted in amendments to definitions. Additionally, several definitions were changed in the Development Code. These actions resulted in some conflicting and confusing definitions.

In September 2002 and January 2005, Beaverton Development Code Chapter 50 Procedures were amended, specifically Type 3 and Type 4 processing and noticing requirements. These application procedures provide some of the requirements that Comprehensive Plan amendments must follow. The revised procedures resulted in inconsistencies between the procedures in the Comprehensive Plan and those in the Development Code. Additionally, in 1998 the state's voters approved Ballot Measure 56, which set notification timeframes for Comprehensive Plan amendments that differ from those set in the Comprehensive Plan. This proposed amendment eliminates those inconsistencies and updates Chapters 1, 2, and the Glossary.

The Planning Commission held a public hearing on March 15, 2006, heard testimony, and continued the item to April 5, 2006, in order to allow additional time for staff to respond to Commission comments and questions. On April 5, 2006, the Commission decided to continue amendment consideration to April 12. On April 12, 2006, the Commission discussed and decided on various changes to the original proposal and adopted the amendment as revised at the hearing and evidenced in the Staff Reports and Memorandums, and Commission's Order No. 1859.

INFORMATION FOR CONSIDERATION:

A presentation on the changes to Chapters 1, 2, and the glossary will be provided at the meeting. A subsequent agenda item requests First Reading of the ordinance that implements these changes.

RECOMMENDED ACTION:

None.

DRAFT

BEAVERTON CITY COUNCIL
REGULAR MEETING
JUNE 5, 2006

CALL TO ORDER:

The Regular Meeting of the Beaverton City Council was called to order by Mayor Rob Drake in the Forrest C. Soth City Council Chamber, 4755 SW Griffith Drive, Beaverton, Oregon, on Monday, June 5, 2006, at 6:33 p.m.

ROLL CALL:

Present were Mayor Drake, Couns. Catherine Arnold, Betty Bode, Bruce Dalrymple, Dennis Doyle, and Cathy Stanton. Also present were City Attorney Alan Rappleyea, Chief of Staff Linda Adlard, Finance Director Patrick O'Claire, Community Development Director Joe Grillo, Public Works Director Gary Brentano, Library Director Ed House, Human Resources Director Nancy Bates, Police Chief David Bishop and Deputy City Recorder Catherine Jansen.

WORK SESSION:

06092 Regulation of Payday Loan Businesses

Mayor Drake said the work session concerning payday loan businesses (Agenda Bill 06092) would be heard first to accommodate Senator Decker who had another appointment this evening. He invited the State legislators who were present to speak.

State Representative Mark Hass, District 27, said in a special session the Legislature enacted Senate Bill 1105, the Payday Lending Act, to regulate the payday loan industry. He said the City's proposed ordinance would be tied into the State's bill and adopting the ordinance would send a strong signal to the payday loan industry that this is not just a State issue, it is a city issue and the cities are serious about this lending practice. He said he admired the City for proceeding and he was glad that the City's ordinance would become effective almost a year earlier than the State's bill. He said Coun. Arnold had asked him how it happened that the State bill would not be effective until July 2007. He said the deal that was struck before the special session vote was that the bill would be the exact language of the initiative that was in circulation at that time. He said any attempt to move that date forward could have affected the outcome of the vote. He thanked the Council for going forward with this issue.

Mayor Drake said he was sorry to hear Haas had decided to not run for re-election. He asked Haas if he had a concern that State law may be changed at the next session, which occurs six months before the new State law goes into affect.

Hass replied he was optimistic that the law would not be weakened. He said the industry would have to come forward with proposed legislation to weaken the bill. He said he did not think that was a political reality, especially with the cities that now support the regulation. He said the Department of Consumer Business Services was promulgating rules on this legislation now. He said the Department was looking at how to apply the definitions and was also looking at car title lenders. He said he did not believe the law would be weakened with all of this occurring.

Mayor Drake thanked him for his comments.

Senator Ryan Deckert, District 14, said he felt the City was taking an important step because it would send a clear signal to the State that this was important and it would protect the citizens in the State. He said he supported the City's action.

Coun. Doyle thanked the Legislators for passing the bill in the special session. He said it was commendable that both sides were able to come together and get this done. He asked Hass and Deckert to send the "Well Done" message to their colleagues. He said he would watch to see what happens in the next session.

Mayor Drake invited Laura Etherton from OSPIRG to speak. He said she had provided testimony to each of the cities who have adopted similar ordinances.

Laura Etherton, Consumer Advocate, OSPIRG (Oregon State Public Interest Research Group) said OSPIRG was a non-partisan, non-profit public interest organization with statewide membership. She thanked the City for bringing this ordinance forward and for working to protect consumers. She gave detailed background about how the payday loan industry works and how high rates can occur when people were unable to repay the loans on time resulting in rollover loans. She said in addition to high fees, payday loans can be difficult to repay. She said typically the loans have to be paid back in a short period of time (one to two weeks) and have to be paid in full. She said in response to these problems the State Legislature enacted consumer protections regarding payday loans. She said OSPIRG and consumer protection agencies applauded this action.

Etherton said the cities' ordinances complemented the States regulations in several important ways. She said because the State law would not become effective until July 2007, this ordinance would provide Beaverton with adequate stop-gap protections between now and then. She said the ordinance would complement State law by giving consumers additional protections: (1) the right to rescind the loan within 24 hours, (2) the right to a payment plan after the period of rollovers is complete, and (3) a loan design that allows the consumer to pay down 25% of the loan principal with each renewal. She thanked the Council on behalf of OSPIRG and all its members, and asked that the ordinance be adopted as soon as possible.

Mayor Drake asked if other states regulate the payday loan industry. He said he assumed many of these cases were high-risk loans that would partially explain the higher interest rates and loan fees.

Etherton said most states have some regulation and some states ban payday loans. She said other states have enacted regulations similar to Oregon and the industry has been able to comply with the regulations. She said regulation does not mean the

industry cannot comply or exist in the state, and it does provide important protections for consumers. She said payday loans were unsecured loans which means there is higher risk. She said because of this the higher interest rate is more reasonable and 36% seems very reasonable in this case. She said while the loan is unsecured, it is somewhat secured by the consumer's own check, so the lender is the first in line to be paid. She said there is a risk that the check might not clear; then there would be a NSF (non-sufficient funds) fee and the lenders can recoup their NSF fees from the consumer and pursue collections.

Coun. Arnold asked Etherton if she knew the size of the loans that are most frequently requested and the length of the loan.

Etherton said the typical payday loan in Oregon was \$300.00 and the loan period would be two weeks.

Coun. Arnold asked if there was interest associated with the loan at that time or just the loan fee.

Etherton said a typical loan fee is \$20.00 per \$100.00 loan; \$60.00 fee for a \$300.00 loan for a 14 day period. She said the fee to take out the loan can be expressed in annual interest to fairly express the cost of the loan. She said that comes out to about 521% annually.

Coun. Arnold asked if consumers would turn to other sources, such as loan sharks, if this avenue was not available. She said she wondered if the City was taking away an option that would force people to turn elsewhere.

Etherton said they want to be sure that consumers of all income levels have places where they can go for short-term loans. She said the problem with payday lending was that it often leads consumers into a worse position than when they started. She said credit unions are now offering a number of products with lower interest rates for short-term lending.

Coun. Arnold asked what would stop consumers from going to two or more payday loan institutions and does this show up on credit rating reports.

Etherton said payday loans were not part of the credit reporting system, as a credit check is not required to obtain a payday loan. She said currently there was nothing to stop consumers from taking out multiple payday loans. She said a component of the recently-adopted State law, is a signed affidavit by the consumer stating that he is not taking out more than one loan. She said a number of states have enacted a shared database that the payday lenders can access as part of their loan-approval process to see how many loans a consumer may have at one time. She offered to provide this information to Council.

Mayor Drake said he thought the Council would hold a public hearing on this issue in two weeks. He suggested that if she had additional information, she could send it to the City Recorder and it would be part of the public record.

Coun. Stanton said locally apartment managers meet and share information about problem tenants and credit risks. She asked if payday lenders had a similar group that discussed high credit risks. She said from the lenders' perspective it could be a losing proposition if a consumer had several loans; the first lender would get paid, but the other lenders might not.

Etherton said she did not know of a formal information sharing database. She said other states enacted a requirement for such a database to exist. She agreed it was a risky process.

Coun. Stanton said the State legislation limits the loans to two per lender, but there is no limit on going to other lenders. She noted in the correspondence received from Money Mart in Beaverton (in the record) there were customers from Newberg. She said she hoped the State would address this in the future.

Mayor Drake thanked Etherton for her presentation. He asked the City Attorney to give an overview of the proposed ordinance.

City Attorney Alan Rappleyea said he invited Attorney John Junkin, who represented the payday loan industry, to present the industry's point of view but he had not heard back from Junkin.

Luanne Stoltz, Vice President, Community Financial Services Association of Oregon, said this Association represents payday lenders. She said no other states have laws that approach Oregon's law. She said the key provision is the number of days of the loan. She said her business model is based on loans that rollover every 17 days. She said the State law is based on a rollover period of 31 days. She said to her knowledge no payday lender could survive in that model. She said she was currently in the process of closing one of her stores. She said closing this store meant she would layoff three employees, two of whom are the sole source of income for their families. She said these were full-time employees with full medical and dental benefits. She said her two stores were in Portland on 82nd Avenue and Barbur Boulevard and she was closing the 82nd Avenue store. She said the City would need an enforcement process for its ordinance. She said if she were a Beaverton taxpayer, she would not be happy that the City developed an enforcement agency for something that would no longer exist.

Stoltz said it was unusual for consumers who take out payday loans to get into a cycle of debt where they have to file bankruptcy. She said last year she processed 10,000 loans and only 100 people filed for bankruptcy. She said that was a typical across-the-board percentage for bankruptcies across the country. She said they serviced a wide cross section of people and the loans were for a small percentage of their income (10 to 25%) and the vast majority pays off their loans. She said typically these are not the main stream credit customers. She said she has many customers who default in the first week, but eventually they pay the loans off. She said less than one percent of her customers get into a cycle of debt. She said over 700,000 loans were processed last year in Oregon and only seven complaints were filed. She said no other financial product had that low of a complaint rate.

Stoltz urged the Council to be sure it collects accurate information. She said for many people this was their last resort and they work hard to get their loans paid off. She said the customers were grateful for how the lenders worked with them. She asked the Council to consider the unintended consequences that might result from passing any further ordinance.

Mayor Drake said the Legislature gave a strong endorsement. He asked if she testified at the State hearings.

Stoltz replied she did testify at the State level.

Mayor Drake asked Stoltz if she was speaking broadly regarding the impact the State law would have on the industry.

Stoltz said the Association represents 155 payday loan lenders and they have met extensively. She said all of these lenders have said they cannot operate if the State law continues as is. She said they are looking for other products to offer, such as mortgage or consumer lending, and payday lending will not continue.

Coun. Arnold asked if the Association represented the owners or managers of the lending stores.

Stoltz replied she owns two stores and she sits on the Board of Directors of the Association that represents 155 stores. She said it was a professional association. She said there was a database called Teletrack that lenders could use to get information on a potential customer. She said Teletrack will tell them if a customer has multiple payday loans (though it won't give the exact number) and it will show if the customer has defaulted recently on any checks or loans.

Coun. Doyle said it sounded as if regardless of what the City does, it is the State law that affects them. He asked if that was correct.

Stoltz said that was correct. She said she was currently operating under the Portland ordinance and it is possible to operate under that ordinance. She said it is not possible to operate under the new State law.

Coun. Dalrymple asked Stoltz how long the Association had been in existence.

Stoltz said she had been in business nine years and the Association existed prior to that. She said the annual fee to be a member of the Association was \$350.00. She said her first store was on Barbur Boulevard and the 82nd Avenue store had been open for three years.

Coun. Arnold questioned why the State law would kill her business.

Stoltz said the State law has a 31-day minimum for rollovers. She said that was like cutting a person's pay by 40% and then paying them every-other month. She said a business could not take such a large cut in its revenue and continue operating.

Coun. Arnold asked Stoltz what fee she currently charged in her stores.

Stoltz replied she charges \$18.00 per \$100.00 borrowed.

Mayor Drake asked Stoltz if she thought the representation of the 521% annual interest rate was correct.

Stoltz said if a payday loan could be renewed every two weeks at \$20.00 per \$100.00, for an entire year (which is not allowed by law), it would come out to 521%. She said current Oregon law only allows three renewals.

Mayor Drake said that would be the same as a credit card; if a payment was missed one month, at 3% it would still come out to 36% annually.

Stoltz said that was correct but one would also have to pay a large late fee and that would skew the interest rate dramatically. She said typically people come to a payday loan store because they suddenly discover they have a check that will bounce. She said the fees for a bounced check are very high; it is more economical to go to the payday lender and pay the loan back out of the next paycheck.

Mayor Drake thanked Stoltz for her comments.

Rappleyea reviewed the proposed ordinance. He said the ordinance establishes a permit process, allows the customer to rescind the loan within a 24-hour period after first taking the loan, allows 25% of the principal of the loan to be repaid before renewing the loan, and limits the amount of rollovers to two (consistent with the new State law). He said the new State law puts a cap on the interest rate at 35%, limits fees at \$10.00 per \$100.00, and gives 31 days for customers to pay off their loans. He said the Portland ordinance was challenged in Circuit Court and the challenge was denied under pre-emption principals. He said that decision had not been appealed to the Court of Appeals. He said the City of Gresham had entered into an intergovernmental agreement with the City of Portland to do the enforcement for Gresham's payday loan ordinance.

Coun. Arnold asked how Portland would enforce the Gresham ordinance.

Rappleyea said Portland would process the permits and collect the fees. He said the appeals would be handled by Gresham.

Coun. Arnold said there was a section about administrative authority in the other cities' ordinance that was not in Beaverton's proposed ordinance.

Rappleyea said that the other ordinances had provisions for adoption of administrative rules. He said the City of Beaverton has a specific Code section that says the Mayor has the authority to adopt administrative rules. He said he believed the administrative authority section was redundant and not necessary in Beaverton's ordinance.

Mayor Drake asked for direction from the City Council.

Coun. Dalrymple MOVED, SECONDED by Coun. Doyle that Council conduct a public hearing on the adoption of the proposed ordinance for regulation of payday loan businesses, on June 19, 2006, at 6:30 p.m.

Coun. Stanton said she would support the motion. She said she realized the State has adopted legislation that will take effect on July 2007. She said she believed it was incumbent on the Council to provide some regulation sooner than 2007. She said she was pleased that the ordinance complies with all State requirements. She said she felt 31 days was a legitimate period of time to pay off a loan and she was comfortable with that provision.

Coun. Arnold said in the testimony she heard someone make the point that the cost of not having a check covered could be substantial. She said she hoped that people on both sides of the issue would come to the hearing and testify. She encouraged both side to bring information in terms of numbers, as it would be good to hear that information.

Mayor Drake said it would be helpful if the City received the information a week before the hearing, to allow the Council and the public adequate time for review.

Coun. Dalrymple said he made this motion because he wanted to see this played out further. He said he would like to hear from people involved in the business practices and from those who have used the service, so that Council can better understand the big picture. He said there were new elements that came to light during this work session and he would like to hear more in an open forum.

Question called on the motion. Couns. Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

VISITOR COMMENT PERIOD:

There were none.

PRESENTATIONS:

06085 PGE Presentation and Update

Mayor Drake explained this item was pulled and would be brought back in the future.

06086 Tree City USA Growth Award

Operations Manager Steve Brennan introduced City Arborist Pat Hoff and Eric Perkins from the Oregon Department of Forestry (ODF). He said it was a pleasure to be back before the Council for the twelfth consecutive year of recognition as a Tree City USA. He said the City's Urban Forestry Program's goals were centered on the preservation and enhancement of the urban forest. He reviewed the services that the City provides to enhance and maintain its urban forest. He said annually the City responds to over 800 service requests related to forestry, maintains 5,000 trees on public lands and promotes tree planting programs. He said those activities and a dedicated budget qualifies the City to apply for Tree City USA status.

Forester Eric Perkins, ODF, congratulated the City for being recognized as a 2005 Tree City USA recipient. He said the Tree City USA Program was sponsored by the National Arbor Day Foundation (NADF) and administered by the ODF. He said the purpose of

the program was to recognize cities that have developed programs to plan and maintain the trees in their communities. He said only 40 other Oregon cities, and 3,000 cities nation-wide, have received this award. He said this award was an important recognition of cities' commitments to urban forests, to livability in their communities and to a better quality of life. He reviewed the benefits of trees and said that he appreciated that the City of has made this a priority. He said on behalf of the NADF and the ODF he was pleased to present the City with the Tree City USA Award for 2005 and he presented a flag to Mayor Drake.

Mayor Drake thanked Perkins for the award. He said that this community values its trees very much.

Perkins added that this was also the eighth year the City has received the Tree City Growth Award. He said the Growth Award recognizes cities that have gone beyond the basic Tree City USA requirements. He said only eight other Oregon cities received the Growth Award.

Mayor Drake spoke on the staff's and City's dedication to its tree program.

Coun. Doyle asked what the criteria was for the Growth Award.

Perkins replied the Growth Award recognizes environmental improvements and a higher level of tree care in the community as evidenced by significant improvements to the tree program in the last year.

Arborist Pat Hoff said the City received the Tree City Growth Award for going beyond the \$2.00 per capita on its tree program. He said this year the City in conjunction with SOLV planted over 1,000 trees and expanded the City-wide leaf recycling program. He said additional projects every year help the City to achieve the Growth Award.

Mayor Drake said the SOLV project involved enhancing creeks and waterways in the community and included community volunteers. He thanked Brennan, Hoff and Perkins for the presentation.

COUNCIL ITEMS:

Coun. Stanton said the turnout at the Neighborhood Cleanup Day on Saturday, June 3, 2006, was very good. She said the process worked very well.

Coun. Stanton said on Monday, June 12, 2006, at the Washington County Public Affairs Forum, Vic Atiyeh would be speaking on "Debunking the Oregon Myth." She added on Tuesday, June 13, the Westside Economic Alliance would host the Westside Transportation Symposium at the Kingstad Center. She said information could be obtained by calling 503-968-3100.

Coun. Arnold said on June 15, 2006, at 7:00 p.m., there would be a presentation on the Urban Rural Issue at the Beaverton City Library. She said she was fortunate to see the play *The Laramie Project* sponsored by Southridge High School. She said the play was about hate, differing views and how to get to truth and healing. She said she wished she had brought her children to see the play as it was valuable and meaningful.

STAFF ITEMS:

There were none.

CONSENT AGENDA:

Mayor Drake said Agenda Bill 06089 was pulled at the request of Coun. Stanton who has some questions and suggestions. He said this would be brought back at a future Council meeting.

Coun. Stanton MOVED, SECONDED by Coun. Doyle, that the Consent Agenda be approved as follows:

Minutes of the Regular Meeting of May 15 and the Special Meeting of May 25, 2006

06087 Liquor Licenses: New Outlet - Gold Fountain Restaurant & Lounge; Macheezmo Mouse & The Hottest Dog. Change of Ownership - Pizza Pazza. Greater Privilege - Elmer's Breakfast-Lunch-Dinner - Cornell Oaks

06088 Boards and Commissions Appointments - LeRoy O'Brien and Philip Ruban to Citizens with Disabilities Advisory Committee

06089 PULLED - A Resolution Adopting Updated Board of Design Review Bylaws (Resolution No. 3858)

Contract Review Board:

06090 Bid Award – Relocation of 16" Waterline at Beaverton Creek Project

Coun. Stanton said she had minor corrections to the minutes of May 15, 2006.

Coun. Stanton said she pulled Agenda Bill 06089 because she was remembering a conversation two years ago when the Council remanded a zone change decision back to the Planning Commission. She said in that remand there was no noticing to the people who attended the first hearing. She said she was looking to clarify language in Section 10 of the Bylaws regarding remands for the Board of Design Review.

Question called on the motion. Couns. Arnold, Bode, Dalrymple, Doyle, and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0) Coun. Doyle abstained from voting on the minutes of May 15, 2006, as he was not in attendance at that meeting. Couns. Bode and Dalrymple abstained from voting on the minutes of May 25, 2006, as they were not in attendance at that meeting.

PUBLIC HEARINGS:

06091 Proposed Water Consumption Rate and Demand (Meter) Charge Increase for Operating the City's Water System (Resolution No. 3859)

Finance Director Patrick O'Claire reviewed the proposed rate increases for the water consumption rate and demand (meter) charges as presented in the staff report.

Coun. Stanton said she appreciated the fact that other people think the way the City does business is a good thing. She said it was much easier to do smaller incremental increases each year than larger increases every few years. She asked if the six CCF (100 cubic feet) of water per month average was a legitimate average or a mean or median.

O'Claire said it was a legitimate winter average for single family residential customers, although consumption is driven by the number of people in a household.

Coun. Dalrymple asked, for the benefit of the audience, what the impact would be on the level of service if the City did not approve the increase.

O'Claire said the recommended increase for the consumption rate would produce about \$140,000 in additional revenue for the water utility. He said the increase on the demand charges would produce about \$53,000 annually. He said that would total over \$200,000. He said if the City did not do that, the funds would have to be taken from the Water Utility Reserves and the City would fall behind in the Water Utility Fund. He said the City would then have to enact a bigger increase.

Coun. Dalrymple asked if there was not a functional process that the City could do to limit the cost of service; and that the City had done the best that it could and that was why the increase is requested.

O'Claire said that was correct. He said this was based on the adopted Fiscal Year 2006-07 Budget, that takes into consideration the cost of the water the City procures from the Joint Water Commission and the costs of maintenance and replacement of the water system and reservoirs. He said the costs of the Water Utility Fund cover maintenance and capital infrastructure replacement. He said the projected operating revenue for next year, which includes this rate increase, is \$1.1 million in rehabilitation projects for the water system.

Coun. Dalrymple thanked O'Claire and said that would give the citizens a better understanding of why the rates need to be increased.

Mayor Drake opened the public hearing and asked for public testimony.

There was no one present who wished to testify.

Mayor Drake closed the public hearing.

Coun. Doyle MOVED, SECONDED by Coun. Stanton, that the Council adopt Resolution No. 3859, A Resolution Establishing a New Water Consumption Rate for the City of Beaverton and Repealing Resolution 3816, as presented in Agenda Bill 06091. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

ORDINANCES:

Coun. Doyle MOVED, SECONDED by Coun. Stanton, that the rules be suspended, and that the ordinance embodied in Agenda Bill 06093, be read for the first time by title only at this meeting, and for the second time by title only at the next regular meeting of the Council. Couns. Arnold, Bode, Dalrymple, Doyle, and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

First Reading:

Rappleyea read the following ordinance for the first time by title only:

06093 An Ordinance Relating to the Building Code Amending Beaverton Code Section 8.02.015(A) (Ordinance No. 4393)

Second Reading:

Rappleyea read the following ordinance for the second time by title only:

06084 TA 2006-0002 (Floodplain Text Amendment) (Ordinance No. 4392)

Coun. Stanton MOVED, SECONDED by Coun. Arnold, that the ordinance embodied in Agenda Bill 06084 now pass. Roll call vote. Couns. Arnold, Bode, Dalrymple, Doyle and Stanton voting AYE, the MOTION CARRIED unanimously. (5:0)

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned at 7:51 p.m.

Catherine Jansen, Deputy City Recorder

APPROVAL:

Approved this day of , 2006.

Rob Drake, Mayor

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: LIQUOR LICENSE

FOR AGENDA OF: 06/19/06 BILL NO: 06109

CHANGE OF OWNERSHIP
Uptown Market
6620 SW Scholls Ferry Road

MAYOR'S APPROVAL: 

DEPARTMENT OF ORIGIN: Police 

DATE SUBMITTED: 06/07/06

PROCEEDING: Consent Agenda

EXHIBITS: None

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$ 0	BUDGETED \$ 0	REQUIRED \$ 0

HISTORICAL PERSPECTIVE:

A background investigation has been completed and the Chief of Police finds that the applicant meets the standards and criteria as set forth in B.C. 5.02.240. The City has published in a newspaper of general circulation a notice specifying the liquor license request.

INFORMATION FOR CONSIDERATION:

Uptown Market, formerly licensed by the OLCC to Jasvinder Singh Mal, is undergoing a change of ownership. Maryam, Inc., has made application for an Off-Premises Sales License under the same trade name of Uptown Market. The establishment is a convenience store. It will operate Monday through Sunday from 6:00 a.m. to 11:00 p.m. There will be no entertainment offered. An Off-Premises Sales License allows the sale of malt beverages, wine, and cider to go in sealed containers.

RECOMMENDED ACTION:

The Chief of Police for the City of Beaverton recommends City Council approval of the OLCC license.

AGENDA BILL

Beaverton City Council
Beaverton, Oregon


SUBJECT: A Resolution Stating the Official Results of
the May 16, 2006 Primary Election

FOR AGENDA OF: 06/19/06 **BILL NO:** 06110

Mayor's Approval:

DEPARTMENT OF ORIGIN: City Recorder 

DATE SUBMITTED: 06/13/06

CLEARANCES: City Attorney 

PROCEEDING: CONSENT AGENDA

EXHIBITS: Resolution
Exhibit A

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

HISTORICAL PERSPECTIVE:

Section 25 of the Beaverton City Charter requires that the results of each election be entered into the record of the City Council. The usual form of that record is a resolution stating the official results of the election.

INFORMATION FOR CONSIDERATION:

The results of the May 16, 2006, Primary Election are detailed in the attached resolution.

RECOMMENDED ACTION:

Council approve the resolution stating the official results of the Primary Election of May 16, 2006.

RESOLUTION NO. 3863

**A RESOLUTION STATING THE OFFICIAL RESULTS
OF THE MAY 16, 2006 PRIMARY ELECTION TO ELECT PERSONS
TO THE CITY COUNCIL, POSITIONS NO. 1, 2 AND 5**

WHEREAS, on the 16th day of May, 2006, the regular Primary Election was held to elect persons to the City Council, Positions No. 1, 2 and 5; and

WHEREAS, the Washington County Director of Elections issued to the City in accordance with state law, a copy of the Abstract of Votes following canvass of the votes, officially setting forth the results of the aforesated election, a copy of which is attached hereto, marked "Exhibit A" and incorporated by reference herein; and

WHEREAS, Section 25 of the Beaverton City Charter requires that the results of each election shall be entered in the record of the City Council; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERTON:

Section 1. The official results of the May 16, 2006, Primary Election for electing an official for the office of City Council, Position Number 1, are as follows:

A. The total number of votes cast for Position Number 1 was 8,380.

B. The number of votes cast for each person was:

	<u>NAME</u>	<u>VOTES</u>
1)	Bruce Dalrymple	8,264
2)	Write-In Votes	116

C. Based on the official canvass of returns and the official Abstract of Votes issued by the Washington County Director of Elections, Bruce Dalrymple, having received a majority of the votes cast, is nominated to the office of City Council Position Number 1.

Section 2. The official results of the May 16, 2006, Primary Election for electing an official for the office of City Council, Position Number 2, are as follows:

A. The total number of votes cast for Position Number 2 was 12,097

B. The number of votes cast for each person was:

	<u>NAME</u>	<u>VOTES</u>
1)	Bob Burke	4,943
2)	Betty Bode	7,151
3)	Write-In Votes	3

- C. Based on the official canvass of returns and the official Abstract of Votes issued by the Washington County Director of Elections, Betty Bode having received a majority of the votes cast, is nominated to the office of City Council Position Number 2.

Section 3. The official results of the May 16, 2006, Primary Election for electing an official for the office of City Council, Position Number 5, are as follows:

- A. The total number of votes cast for Position Number 5 was 8,500.
- B. The number of votes cast for each person was:

	<u>NAME</u>	<u>VOTES</u>
1)	Dennis Doyle	8,381
2)	Write-In Votes	119

- C. Based on the official canvass of returns and the official Abstract of Votes issued by the Washington County Director of Elections, Dennis Doyle having received a majority of the votes cast, is nominated to the office of City Council Position Number 5.

Adopted by the Council this _____ day of June, 2006.

Approved by the Mayor this _____ day of June, 2006.

AYES: _____

NAYS: _____

ATTEST:

APPROVED:

Sue Nelson, City Recorder

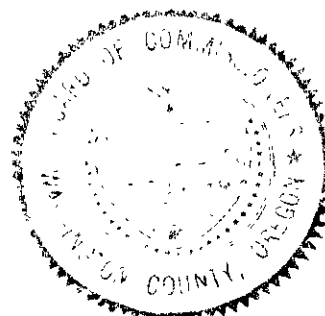
Rob Drake, Mayor

PRECINCTS COMPLETED LISTING

RUN DATE:06/02/06 02:42 PM

WASHINGTON COUNTY
PRIMARY ELECTION
MAY 16, 2006EXHIBIT ARESOLUTION NO. 3863ABSTRACT OF VOTES
CITY OF BEAVERTON
PRIMARY ELECTION
MAY 16, 2006

PRECINCT	TOTAL BALS	REG. TURN VOTERS	OUT
301 301 RURAL NW COUNTY	708	2,056	34.44
302 302 KINNAMAN	740	2,026	36.53
303 303 WITCH HAZEL	154	338	45.56
304 304 BUTTERNUT	715	2,612	27.37
305 305 BANKS	211	794	26.57
306 306 TANASBOURNE	218	549	39.71
307 307 WILLOW CREEK	538	1,747	30.80
308 308 BLOOMING FERN HILL	228	482	47.30
309 309 HAWTHORNE FARMS	762	3,006	25.35
310 310 DILLEY	479	1,343	35.67
311 311 LAURELWOOD	165	604	27.32
312 312 HAGG LAKE	281	737	38.13
313 313 HILLSBORO-UNINCORP	115	286	40.21
314 314 GLENCOE	289	700	41.29
315 315 HELVETIA	269	627	42.90
316 316 PUMPKIN RIDGE	370	951	38.91
317 317 VERBOORT	184	412	44.66
318 318 MINTER BRIDGE	816	2,564	31.83
319 319 QUATAMA STREET	235	1,025	22.93
320 320 HAZELDALE	824	2,388	34.51
321 321 GASTON	68	287	23.69
322 322 JACKTOWN	89	215	41.40
323 323 INDIAN HILLS	729	3,219	22.65
324 324 CHERRY GROVE	135	420	32.14
325 325 HILLSBORO-ISLANDS	0	2	
326 326 RURAL BANKS	562	1,318	42.64
327 327 BROWN MIDDLE SCHOOL	763	2,789	27.36
328 328 FARMINGTON VIEW	535	1,331	40.20
329 329 CENTURY SCHOOL	790	3,184	24.81
330 330 NORTH PLAINS	305	948	32.17
331 331 PORTLAND/BARNES	0	4	
332 332 ORENCO STATION	777	2,280	34.08
333 333 JOHN OLSEN	643	3,462	18.57
334 334 DIXIE MOUNTAIN	45	112	40.18
335 335 JACKSON SCHOOL	1,187	3,490	34.01
336 336 FAIRGROUNDS	734	2,369	30.98
337 337 WALNUT ST	994	3,352	29.65
338 338 CORNELIUS	1,044	3,555	29.37
339 339 FOREST GROVE-EAST	1,313	4,075	32.22
340 340 FOREST GROVE-WEST	1,598	4,469	35.76
341 341 CORNELIUS-SCHEFFLIN	146	302	48.34
342 342 DAVID HILL RD	106	198	53.54
343 343 MOOBERRY	1,111	3,550	31.30
344 344 HILLSBORO CENTRAL	1,004	3,026	33.18
345 345 W/HILLSBORO UNINCORP	27	89	30.34
346 346 CORNELIUS/TUAL RIVER	116	240	48.33
347 347 FG/TUALATIN RIVER	10	29	34.48
348 348 LAKE OSWEGO	28	109	25.69
349 349 DIVISION STREET	705	2,042	34.52
350 350 FIR GROVE	1,670	3,721	44.88
351 351 ALOHA PARK	591	2,035	29.04
352 352 BEAVERTON-CENTER	204	627	32.54
353 353 WALKER ROAD-SOUTH	548	1,428	38.38
354 354 CHEHALEM SCHOOL	1,541	3,497	44.07
355 355 MEADOW PARK	1,174	2,862	41.02
356 356 ALOHA-WEST	440	1,578	27.88
357 357 HERITAGE PARK	526	1,377	38.20

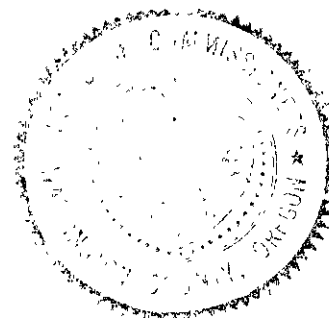


PRECINCTS COMPLETED LISTING

WASHINGTON COUNTY
PRIMARY ELECTION
MAY 16, 2006

RUN DATE:06/02/06 02:42 PM

PRECINCT	TOTAL BALS	REG. TURN VOTERS OUT
358 358 SEMINOLE ESTATES	345	883 39.07
359 359 WATERHOUSE	1,549	4,103 37.75
360 360 PHEASANT LANE	750	2,249 33.35
361 361 MILLIKAN	287	1,142 25.13
362 362 CEDAR HILLS	1,577	3,332 47.33
363 363 BARNES RD	1,329	2,917 45.56
364 364 MCDANIEL RD	1,796	3,639 49.35
365 365 LEAHY RD	1,656	3,004 55.13
366 366 WEST TUALATIN VIEW	445	1,348 33.01
367 367 THOMPSON RD	1,444	2,822 51.17
368 368 SOMERSET	1,342	3,408 39.38
369 369 COLUMBIA AVE	743	1,656 44.87
370 370 ROCK CREEK	635	2,070 30.68
371 371 OAK HILLS	941	1,903 49.45
372 372 RIDGEWOOD SCHOOL	868	1,622 53.51
373 373 CORNELIUS PASS	154	362 42.54
374 374 JACOBSON RD	1	4 25.00
375 375 PORTLAND CITY	79	247 31.98
376 376 WESTVIEW	828	1,819 45.52
377 377 BETHANY EAST	1,292	2,725 47.41
378 378 CANYON LN	425	1,021 41.63
379 379 HALL BLVD	1,326	3,176 41.75
380 380 HIGHLAND PARK	1,055	2,111 49.98
381 381 BEAVERTON/CENTER ST	697	1,864 37.39
382 382 GREENWAY	1,036	2,674 38.74
383 383 BEAVERTON-HILLSDALE	618	1,225 50.45
384 384 GARDEN HOME	1,055	2,137 49.37
385 385 PORTLAND GOLF CLUB	1,343	2,714 49.48
386 386 RALEIGH PARK	1,771	3,195 55.43
387 387 SUNSET CORRIDOR	94	228 41.23
388 388 WHITFORD	61	186 32.80
389 389 SEXTON MOUNTAIN	1,289	3,136 41.10
390 390 SOUTHRIDGE	1,514	3,291 46.00
391 391 PORTLAND CITY	77	264 29.17
392 392 PORTLAND CITY COM 2	52	223 23.32
393 393 MONTCLAIR	282	528 53.41
394 394 CORNELIUS EAST	7	17 41.18
395 395 MURRAY HILL	884	2,275 38.86
396 396 DURHAM	290	693 41.85
397 397 BULL MOUNTAIN	784	2,482 31.59
398 398 COOPER MOUNTAIN	340	709 47.95
399 399 METZGER	642	1,900 33.79
400 400 WASHINGTON SQUARE	779	2,319 33.59
401 401 MAYO STREET	751	1,555 48.30
402 402 TIGARD/WALNUT ST	317	906 34.99
403 403 TIGARD/GAARDE ST	1,282	3,528 36.34
404 404 FOWLER SCHOOL	833	2,336 35.66
405 405 TWALITY SCHOOL	1,293	3,531 36.62
406 406 TIGARD CITY HALL	1,053	2,802 37.58
407 407 NORTH BARNES	397	747 53.15
408 408 SUMMERFIELD	2,041	4,130 49.42
409 409 SUMMERLAKE-WEST	835	2,122 39.35
410 410 BEEF BEND RD	565	1,653 34.18
411 411 SCHOLLS HEIGHTS	429	1,609 26.66
412 412 COOPER MT SCHOOL	750	1,773 42.30
413 413 FISCHER/PACIFIC HWY	21	79 26.58
414 414 BARROWS RD	354	1,151 30.76
415 415 BEEF BEND/131ST	297	422 70.38

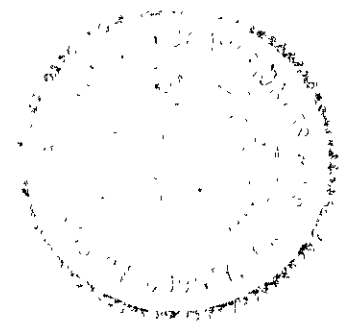


PRECINCTS COMPLETED LISTING

WASHINGTON COUNTY
PRIMARY ELECTION
MAY 16, 2006

RUN DATE:06/02/06 02:42 PM

PRECINCT	TOTAL BALS	REG. TURN VOTERS OUT
416 416 SUMMERLAKE-EAST	630	1,518 41.50
417 417 ELDORADO	423	1,192 35.49
418 418 HART ROAD	128	312 41.03
419 419 KING CITY	1,165	1,671 69.72
420 420 TUALATIN CITY	1,162	3,038 38.25
421 421 TRI-CITIES	6	21 28.57
422 422 FG NORTH/UNINCORP	71	228 31.14
423 423 TUALATIN-NORTH	820	2,549 32.17
424 424 CENTRAL SHERWOOD CITY	1,005	3,298 30.47
425 425 SHERWOOD-UNINCORP	227	613 37.03
426 426 GRONER	103	271 38.01
427 427 SCHOLLS	496	1,255 39.52
428 428 TUALATIN-WEST	360	1,172 30.72
429 429 MILLER HILL	635	1,748 36.33
430 430 BALD PEAK	169	439 38.50
431 431 MOUNTAIN HOME	580	1,517 38.23
432 432 WILSONVILLE	29	169 17.16
433 433 ED BYROM SCHOOL	766	2,068 37.04
434 434 ERROL HASSELL	1,140	3,093 36.86
435 435 SE SHERWOOD CITY	1,077	3,361 32.04
436 436 TUALATIN CITY	562	1,414 39.75
437 437 HAZELBROOK	22	57 38.60
438 438 SE COUNTY	162	514 31.52
439 439 PCC	116	254 45.67
440 440 HILLSBORO-SOUTH	52	269 19.33
441 441 PORTLAND CITY SOUTH	21	55 38.18
442 442 KEMMER RD	275	725 37.93
443 443 JENKINS/BASELINE	0	0
444 444 SPRINGVILLE	719	1,961 36.66
445 445 SCHOLLS HTS N	234	551 42.47
446 446 LOMBARD	412	1,034 39.85
447 447 BETHANY WEST	907	1,834 49.45
448 448 CEDAR HILLS	83	315 26.35
449 449 CANYON/217	11	29 37.93
450 450 WALKER RD	0	0
451 451 GRABHORN	194	590 32.88
452 452 JOHNSON/185TH	648	2,348 27.60
453 453 BASELINE/185TH	7	35 20.00
454 454 BULL MT SPLIT	47	206 22.82
455 455 S TIGARD/PACIFIC HWY	1	7 14.29
456 456 NORTH FOREST GROVE	7	25 28.00
457 457 NW SHERWOOD CITY	393	1,570 25.03
458 458 Sherwood Annexation	2	2 100.0
459 459 King City Annexation	69	176 39.20



NUMBERED KEY CANVASS

RUN DATE:06/02/06 02:47 PM

WASHINGTON COUNTY
PRIMARY ELECTION
MAY 16, 2006
Nonpartisan

REPORT-EL52 PAGE 0193

City Of Beaverton Council Pos 1

Vote For 1

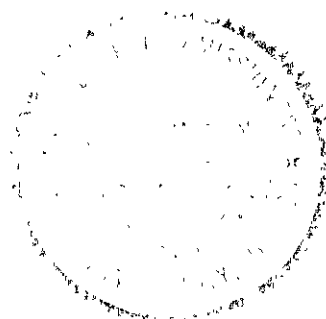
01 = Bruce S. Dalrymple

02 = WRITE-IN

VOTES PERCENT

8,264 98.62
116 1.38

	01	02
0350 350 FIR GROVE	909	12
0352 352 BEAVERTON-CENTER	126	2
0354 354 CHEHALEM SCHOOL	788	15
0359 359 WATERHOUSE	792	12
0361 361 MILLIKAN	172	2
0378 378 CANYON LN	216	0
0379 379 HALL BLVD	660	17
0380 380 HIGHLAND PARK	537	5
0381 381 BEAVERTON/CENTER ST	390	6
0382 382 GREENWAY	595	7
0383 383 BEAVERTON-HILLSDALE	322	2
0387 387 SUNSET CORRIDOR	40	0
0388 388 WHITFORD	28	1
0389 389 SEXTON MOUNTAIN	632	12
0390 390 SOUTHRIDGE	771	9
0393 393 MONTCLAIR	122	4
0395 395 MURRAY HILL	461	3
0411 411 SCHOLLS HEIGHTS	228	3
0418 418 HART ROAD	65	1
0445 445 SCHOLLS HTS N	116	0
0446 446 LOMBARD	245	3
0448 448 CEDAR HILLS	43	0
0449 449 CANYON/217	6	0



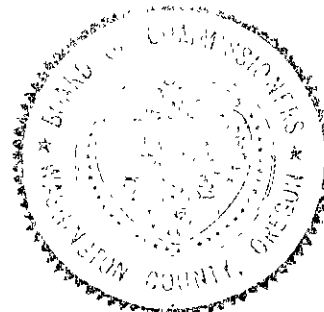
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WASHINGTON COUNTY
PRIMARY ELECTION
MAY 16, 2006
Nonpartisan

REPORT-EL52 PAGE 0194

	VOTES	PERCENT		VOTES	PERCENT
City Of Beaverton Council Pos 2					
Vote For 1					
01 = Bob Burke	4,943	40.75			
02 = Betty Bode	7,151	58.95	03 = WRITE-IN	37	.31
	01	02	03		
0350 350 FIR GROVE	553	785	6		
0352 352 BEAVERTON-CENTER	85	86	1		
0354 354 CHEHALEM SCHOOL	462	680	5		
0359 359 WATERHOUSE	495	644	3		
0361 361 MILLIKAN	70	134	1		
0378 378 CANYON LN	131	219	0		
0379 379 HALL BLVD	511	576	5		
0380 380 HIGHLAND PARK	309	526	0		
0381 381 BEAVERTON/CENTER ST	226	330	3		
0382 382 GREENWAY	355	470	2		
0383 383 BEAVERTON-HILLSDALE	178	293	0		
0387 387 SUNSET CORRIDOR	32	23	1		
0388 388 WHITFORD	18	22	0		
0389 389 SEXTON MOUNTAIN	383	523	6		
0390 390 SOUTHRIDGE	423	741	0		
0393 393 MONTCLAIR	77	129	0		
0395 395 MURRAY HILL	241	405	0		
0411 411 SCHOLLS HEIGHTS	134	169	3		
0418 418 HART ROAD	26	54	0		
0445 445 SCHOLLS HTS N	74	90	0		
0446 446 LOMBARD	130	215	0		
0448 448 CEDAR HILLS	25	32	1		
0449 449 CANYON/217	5	5	0		



NUMBERED KEY CANVASS

RUN DATE:06/02/06 02:47 PM

WASHINGTON COUNTY
PRIMARY ELECTION
MAY 16, 2006
Nonpartisan

REPORT-EL52 PAGE 0195

City Of Beaverton Council Pos 5

Vote For 1

01 = Dennis Doyle

02 = WRITE-IN

VOTES PERCENT

8,381 98.60
119 1.40


	01	02
0350 350 FIR GROVE	908	10
0352 352 BEAVERTON-CENTER	122	2
0354 354 CHEHALEM SCHOOL	801	11
0359 359 WATERHOUSE	805	11
0361 361 MILLIKAN	166	3
0378 378 CANYON LN	220	2
0379 379 HALL BLVD	686	14
0380 380 HIGHLAND PARK	555	13
0381 381 BEAVERTON/CENTER ST	396	6
0382 382 GREENWAY	593	10
0383 383 BEAVERTON-HILLSDALE	330	0
0387 387 SUNSET CORRIDOR	37	1
0388 388 WHITFORD	30	1
0389 389 SEXTON MOUNTAIN	624	10
0390 390 SOUTHRIDGE	831	10
0393 393 MONTCLAIR	117	2
0395 395 MURRAY HILL	468	4
0411 411 SCHOLLS HEIGHTS	220	4
0418 418 HART ROAD	64	3
0445 445 SCHOLLS HTS N	109	1
0446 446 LOMBARD	249	1
0448 448 CEDAR HILLS	44	0
0449 449 CANYON/217	6	0

AGENDA BILL

Beaverton City Council
Beaverton, Oregon

SUBJECT: A Resolution Adopting a Budget for Fiscal Year Commencing July 1, 2006

FOR AGENDA OF: 06/19/06 **BILL NO:** 06111

Mayor's Approval: 

DEPARTMENT OF ORIGIN: Finance

DATE SUBMITTED: 06/05/06

CLEARANCES: Finance
City Attorney




PROCEEDING: Public Hearing

EXHIBITS: Resolution
Exhibit A

BUDGET IMPACT

EXPENDITURE REQUIRED \$142,110,099	AMOUNT BUDGETED \$-0-	APPROPRIATION REQUIRED \$142,110,099
---------------------------------------	--------------------------	-----------------------------------------

HISTORICAL PERSPECTIVE:

The Budget Committee, reviewed and deliberated on the Mayor's Proposed 2006-07 Budget on May 22, 23, and 25, 2006. The budget being presented to City Council was approved by the Budget Committee on May 25, 2006, and is comprised of the proposed budget as submitted to the Budget Committee along with the seven amendments that were presented to and approved by the Budget Committee. Prior to final adoption State Statutes require that a Public Hearing be held before the City Council on the proposed budget including the use of State Revenue Sharing funds.

INFORMATION FOR CONSIDERATION:

Attached is the Resolution adopting the FY 2006-07 Budget and declaring the ad valorem tax levy. Exhibit A includes the various forms that are required to submit the budget to the County Assessor and the State Department of Revenue.

RECOMMENDED ACTION:

Council hold a Public Hearing and approve the Resolution adopting the budget for the fiscal year beginning July 1, 2006, and making and declaring ad valorem tax levy as outlined in the resolution.

RESOLUTION NO. 3864

A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR
COMMENCING JULY 1, 2006, MAKING APPROPRIATIONS AND
PROVIDING FOR APPROPRIATIONS THEREFROM AND DETERMINING,
MAKING AND DECLARING AD VALOREM TAX LEVY FOR EACH FUND

BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BEAVERTON, OREGON
AS FOLLOWS:

Section 1. The City Council of Beaverton hereby adopts the budget approved by the Budget Committee for the 2006-07 fiscal year in the total sum of \$142,110,099, which is now on file at City Hall, located at 4755 S.W. Griffith Drive, Beaverton, Oregon.

Section 2. The amounts appropriated for each fund for the fiscal year beginning July 1, 2006, are shown on the attached - Exhibit A.

Section 3. The City Council of the City of Beaverton, Oregon, hereby levies the taxes provided for in the adopted budget in the aggregate amount of \$27,507,000 and that these taxes are hereby levied upon all taxable property within the City of Beaverton, Oregon as of 1:00 a.m., July 1, 2006. The following allocation and categorization subject to the limits of section 11b, Article XI of the Oregon Constitution make up the above aggregate levy:

	Subject to the General Government Limitation and within City's Permanent <u>Rate Authority</u>	Excluded from <u>the Limitation</u>
General Fund Operating Purposes	\$23,084,000	
Library Fund Operating Purposes	1,618,000	
Street Lighting Fund Operating Purposes	1,080,000	
Bonded Indebtedness	<u>0</u>	<u>\$1,725,000</u>
Category Total	\$25,782,000	\$1,725,000
 Total Property Tax Levy	 \$27,507,000	 <u><u>=====</u></u>

Section 4. The Finance Director shall file with the County Assessor of Washington County, Oregon, no later than July 15, 2006, the following documents: (a) an original and one copy of the Notice of Levy in accordance with the requirements of ORS 310.060 (1); (b) two true copies of the Budget as finally adopted, certified as such by the City Recorder; and (c) a copy of the notice of publication required by ORS 294.421.

Adopted by the Council this ____ day of June, 2006.

Approved by the Mayor this ____ day of June, 2006.

Ayes: _____

Nays: _____

ATTEST:

APPROVED:

Sue Nelson, City Recorder

Rob Drake, Mayor

budresol

EXHIBIT A - RESOLUTION NO. 3864

FORM LB-1

NOTICE OF BUDGET HEARING

A meeting of the City of Beaverton, City Council will be held on **June 19, 2006, at 6:30 p.m.** at 4755 SW Griffith Drive, Beaverton, Oregon. The purpose of this meeting is to discuss the budget for the fiscal year beginning July 1, 2006, as approved by the City of Beaverton Budget Committee. A summary of the budget is presented below. A copy of the budget may be inspected or obtained at 4755 SW Griffith Drive, Beaverton, Oregon 97005 between the hours of 8:00 a.m. and 5:00 p.m. This certifies the budget was prepared on a basis of accounting that is consistent with the basis of accounting used during the preceding year. Major changes, if any, and their effect on the budget are explained below.

County Washington	City Beaverton	Date 19-Jun-06	Chairperson of Governing Body Mayor Rob Drake	Telephone Number 503-526-2241
-----------------------------	--------------------------	--------------------------	---------------------------------------------------------	-----------------------------------------

FINANCIAL SUMMARY

TOTAL OF ALL FUNDS		Adopted Budget This Year - 2005-06	Approved Budget Next Year - 2006-07
Anticipated Requirements	1. Total Personal Services	42,177,152	43,860,946
	2. Total Materials and Services	25,930,993	25,029,005
	3. Total Capital Outlay	33,935,235	17,658,417
	4. Total Debt Service	5,406,711	5,142,861
	5. Total Transfers	24,660,910	14,351,337
	6. Total Contingencies	33,181,754	36,067,533
	7. Total All Other Expenditures and Requirements		
	8. Total Unappropriated or Ending Fund Balance		
	9. Total Requirements - add lines 1 through 8	165,292,755	142,110,099
Anticipated Resources	10. Total Resources Except Property Taxes	141,801,182	115,978,449
	11. Total Property Taxes Required to Balance Budget	23,491,573	26,131,650
	12. Total Resources - add lines 10 and 11	165,292,755	142,110,099
Anticipated Tax Levy	13. Total Property Taxes Required to Balance Budget	23,491,573	26,131,650
	14. Plus. Estimated Property Taxes Not to be Received		
	A. Loss Due to Constitutional Limits	0	0
	B. Discounts Allowed, Other Uncollected Amounts	1,236,399	1,375,350
	15. Total Tax Levy - add lines 13 and 14	24,727,972	27,507,000
Tax Levies By Type	16. Permanent Rate Limit Levy (rate limit <u>4.6180</u>)	Rate or Amount 23,002,972	Rate or Amount 25,782,000
	17. Local Option Levy	0	0
	18. Levy for Bonded Debt or Obligations	1,725,000	1,725,000

STATEMENT OF INDEBTEDNESS

Debt Outstanding <input type="checkbox"/> None <input checked="" type="checkbox"/> As Summarized	Debt Authorized, Not Incurred <input type="checkbox"/> <input type="checkbox"/> As Summarized
-----------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------

Publish Below Only if Completed

Long Term Debt	Debt Outstanding July 1, 2006-07 Approved Budget Year	Debt Authorized, Not Incurred July 1, 2006-07 Approved Budget Year
Bonds	42,910,000	
Interest Bearing Warrants		
Other	582,443	
Total Indebtedness	43,492,443	

This budget includes the intention to borrow in anticipation of revenue ("Short-Term Borrowing") as summarized below:

FUND LIABLE	Estimated Amount To Be Borrowed	Estimated Interest Rate	Estimated Interest Cost

FUNDS REQUIRING A PROPERTY TAX TO BE LEVIED

FORM LB-3

Publish ONLY Completed Portion of This Page

NAME OF FUND GENERAL	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
1. Total Personal Services	25,142,827	27,744,513	29,148,387
2. Total Materials and Services	5,501,698	8,076,256	7,106,633
3. Total Capital Outlay	1,403,817	7,429,225	2,287,950
4. Total Debt Service	0	386,309	501,096
5. Total Transfers	2,678,197	3,292,890	3,415,032
6. Total Contingencies		3,610,151	4,770,833
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	7,165,018		
9. Total Requirements	41,891,557	50,539,344	47,229,931
10. Total Resources Except Property Taxes	24,391,468	31,187,396	25,300,131
11. Total Property Taxes Rec'd/Required to Balance	17,500,089	19,351,948	21,929,800
12. Total Resources (add lines 10 and 11)	41,891,557	50,539,344	47,229,931
13. Property Taxes Required to Balance (from line 11)		19,351,948	21,929,800
14. Estimated Property Taxes Not to be Received			
A. Loss Due to Constitutional Limit			
B. Discounts, Other uncollected Amounts		1,018,524	1,154,200
15. Total Tax Levy (add lines 13 and 14)		20,370,472	23,084,000
		Rate or Amount	Rate or Amount
16. Permanent Rate Limit Levy (rate limit <u>4.6180</u>)		20,370,472	23,084,000
17. Local Option Levy		0	0
18. Levy for Bonded Debt or Obligations		0	0

NAME OF FUND LIBRARY	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
1. Total Personal Services	3,107,694	3,271,039	3,324,786
2. Total Materials and Services	785,310	883,133	920,368
3. Total Capital Outlay	0	75,336	0
4. Total Debt Service			
5. Total Transfers	620,833	582,863	577,285
6. Total Contingencies		523,207	479,507
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	851,754		
9. Total Requirements	5,365,591	5,335,578	5,301,946
10. Total Resources Except Property Taxes	4,086,491	3,860,703	3,764,846
11. Total Property Taxes Rec'd/Required to Balance	1,279,100	1,474,875	1,537,100
12. Total Resources (add lines 10 and 11)	5,365,591	5,335,578	5,301,946
13. Property Taxes Required to Balance (from line 11)		1,474,875	1,537,100
14. Estimated Property Taxes Not to be Received			
A. Loss Due to Constitutional Limit			
B. Discounts, Other uncollected Amounts		77,625	80,900
15. Total Tax Levy (add lines 13 and 14)		1,552,500	1,618,000
		Rate or Amount	Rate or Amount
16. Permanent Rate Limit Levy (rate limit <u>4.6180</u>)		1,552,500	1,618,000
17. Local Option Levy		0	0
18. Levy for Bonded Debt or Obligations		0	0

FUNDS REQUIRING A PROPERTY TAX TO BE LEVIED

FORM LB-3

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NAME OF FUND STREET LIGHTING	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
1 Total Personal Services	143,129	156,358	163,842
2 Total Materials and Services	814,029	847,825	812,250
3. Total Capital Outlay	0	0	0
4. Total Debt Service			
5. Total Transfers	50,346	54,636	50,044
6. Total Contingencies		189,368	279,303
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	193,187		
9. Total Requirements	1,200,691	1,248,187	1,305,439
10. Total Resources Except Property Taxes	195,227	222,187	279,439
11. Total Property Taxes Rec'd/Required to Balance	1,005,464	1,026,000	1,026,000
12. Total Resources (add lines 10 and 11)	1,200,691	1,248,187	1,305,439
13. Property Taxes Required to Balance (from line 11)		1,026,000	1,026,000
14. Estimated Property Taxes Not to be Received			
A. Loss Due to Constitutional Limit		0	0
B. Discounts, Other uncollected Amounts		54,000	54,000
15. Total Tax Levy (add lines 13 and 14)		1,080,000	1,080,000
		Rate or Amount	Rate or Amount
16. Permanent Rate Limit Levy (rate limit <u>4.6180</u>)		1,080,000	1,080,000
17. Local Option Levy		0	0
18. Levy for Bonded Debt or Obligations		0	0

NAME OF FUND DEBT SERVICE	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
1 Total Personal Services			
2. Total Materials and Services			
3. Total Capital Outlay			
4. Total Debt Service	2,388,575	1,727,525	1,726,373
5. Total Transfers			
6. Total Contingencies		111,057	95,257
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	118,130		
9. Total Requirements	2,506,705	1,838,582	1,821,630
10. Total Resources Except Property Taxes	250,098	199,832	182,880
11. Total Property Taxes Rec'd/Required to Balance	2,256,607	1,638,750	1,638,750
12. Total Resources (add lines 10 and 11)	2,506,705	1,838,582	1,821,630
13. Property Taxes Required to Balance (from line 11)		1,638,750	1,638,750
14. Estimated Property Taxes Not to be Received			
A. Loss Due to Constitutional Limit			
B. Discounts, Other uncollected Amounts		86,250	86,250
15. Total Tax Levy (add lines 13 and 14)		1,725,000	1,725,000
		Rate or Amount	Rate or Amount
16. Permanent Rate Limit Levy (rate limit <u>0</u>)			0
17. Local Option Levy		0	0
18. Levy for Bonded Debt or Obligations		1,725,000	1,725,000

FUNDS NOT REQUIRING A PROPERTY TAX TO BE LEVIED

FORM LB-2

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Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
Street			
1. Total Personal Services	1,561,102	1,828,156	1,765,369
2. Total Materials and Services	1,115,109	1,310,423	1,412,980
3. Total Capital Outlay	15,657	239,856	92,000
4. Total Debt Service			
5. Total Transfers	1,372,649	2,746,507	2,347,317
6. Total Contingencies		1,718,970	2,392,185
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	2,849,276		
9. Total Requirements	6,913,793	7,843,912	8,009,851
10. Total Resources Except Property Taxes	6,913,793	7,843,912	8,009,851

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
State Revenue Sharing			
1. Total Personal Services			
2. Total Materials and Services	486,180	364,379	362,732
3. Total Capital Outlay			
4. Total Debt Service			
5. Total Transfers	115,111	325,072	327,786
6. Total Contingencies		298,153	200,281
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	437,605		
9. Total Requirements	1,038,896	987,604	890,799
10. Total Resources Except Property Taxes	1,038,896	987,604	890,799

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
Building Operating			
1. Total Personal Services	1,968,937	2,215,381	2,321,681
2. Total Materials and Services	67,619	55,937	69,028
3. Total Capital Outlay	23,916	12,500	0
4. Total Debt Service			
5. Total Transfers	782,550	470,739	496,738
6. Total Contingencies		1,650,759	1,568,663
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	2,069,317		
9. Total Requirements	4,912,339	4,405,316	4,456,110
10. Total Resources Except Property Taxes	4,912,339	4,405,316	4,456,110

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
Community Development Block Grant			
1. Total Personal Services	132,132	132,605	93,379
2. Total Materials and Services	172,838	693,545	769,165
3. Total Capital Outlay	0	785,000	0
4. Total Debt Service	21,479	60,000	65,000
5. Total Transfers	9,475	9,488	12,685
6. Total Contingencies		68,603	71,088
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	211,310		
9. Total Requirements	547,234	1,749,241	1,011,317
10. Total Resources Except Property Taxes	547,234	1,749,241	1,011,317

FUNDS NOT REQUIRING A PROPERTY TAX TO BE LEVIED

FORM LB-2

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Name of Fund Traffic Impact Fee	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
1. Total Personal Services	104,578	110,933	114,373
2. Total Materials and Services	244	6,764	825
3. Total Capital Outlay			
4. Total Debt Service			
5. Total Transfers	107,366	1,931,045	1,949,693
6. Total Contingencies		2,717,871	4,092,890
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	3,342,611		
9. Total Requirements	3,554,799	4,766,613	6,157,781
10. Total Resources Except Property Taxes	3,554,799	4,766,613	6,157,781

Name of Fund Tree Preservation	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
1. Total Personal Services			
2. Total Materials and Services			
3. Total Capital Outlay			
4. Total Debt Service			
5. Total Transfers	0	0	0
6. Total Contingencies		0	0
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	0		
9. Total Requirements	0	0	0
10. Total Resources Except Property Taxes	0	0	0

Name of Fund Capital Development	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
1. Total Personal Services			
2. Total Materials and Services			
3. Total Capital Outlay	0	0	0
4. Total Debt Service			
5. Total Transfers	0	0	0
6. Total Contingencies			
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	0		
9. Total Requirements	0	0	0
10. Total Resources Except Property Taxes	0	0	0

FUNDS NOT REQUIRING A PROPERTY TAX TO BE LEVIED

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Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
Capital Projects			
1. Total Personal Services			
2. Total Materials and Services			
3. Total Capital Outlay	561,495	6,802,757	3,858,943
4. Total Debt Service			
5. Total Transfers	300,000	0	0
6. Total Contingencies		146,681	59,978
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	708,015		
9. Total Requirements	1,569,510	6,949,438	3,918,921
10. Total Resources Except Property Taxes	1,569,510	6,949,438	3,918,921
Assessments			
1. Total Personal Services			
2. Total Materials and Services			
3. Total Capital Outlay			
4. Total Debt Service	10,114	12,900	12,900
5. Total Transfers	28,493	29,513	22,701
6. Total Contingencies		92,329	70,461
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	113,242		
9. Total Requirements	151,849	134,742	106,062
10. Total Resources Except Property Taxes	151,849	134,742	106,062
Assessment Projects			
1. Total Personal Services			
2. Total Materials and Services			
3. Total Capital Outlay	7,100	134,860	0
4. Total Debt Service			
5. Total Transfers	0	240,914	0
6. Total Contingencies		49,454	29,608
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	416,227		
9. Total Requirements	423,327	425,228	29,608
10. Total Resources Except Property Taxes	423,327	425,228	29,608
Water			
1. Total Personal Services	1,297,876	1,486,780	1,484,119
2. Total Materials and Services	2,205,179	2,597,968	2,754,919
3. Total Capital Outlay	305,933	1,690,556	1,496,232
4. Total Debt Service			
5. Total Transfers	4,181,850	3,687,930	3,641,165
6. Total Contingencies		4,628,670	5,052,766
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	5,362,881		
9. Total Requirements	13,353,719	14,091,904	14,429,201
10. Total Resources Except Property Taxes	13,353,719	14,091,904	14,429,201

FUNDS NOT REQUIRING A PROPERTY TAX TO BE LEVIED

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Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
Sewer			
1. Total Personal Services	834,484	933,048	1,010,656
2. Total Materials and Services	774,339	839,610	853,463
3. Total Capital Outlay	639,197	3,971,699	2,771,600
4. Total Debt Service			
5. Total Transfers	593,593	620,514	647,395
6. Total Contingencies		4,263,973	5,165,290
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	7,543,632		
9. Total Requirements	10,385,245	10,628,844	10,448,404
10. Total Resources Except Property Taxes	10,385,245	10,628,844	10,448,404

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
Water Debt			
1. Total Personal Services			
2. Total Materials and Services			
3. Total Capital Outlay			
4. Total Debt Service	3,007,013	3,219,977	2,837,492
5. Total Transfers	0	9,797,573	0
6. Total Contingencies		52,080	51,505
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	118,221		
9. Total Requirements	3,125,234	13,069,630	2,888,997
10. Total Resources Except Property Taxes	3,125,234	13,069,630	2,888,997

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
Water Construction			
1. Total Personal Services			
2. Total Materials and Services			
3. Total Capital Outlay	3,359,432	8,556,075	4,577,792
4. Total Debt Service			
5. Total Transfers			
6. Total Contingencies		7,770,763	5,317,306
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	4,816,011		
9. Total Requirements	8,175,443	16,326,838	9,895,098
10. Total Resources Except Property Taxes	8,175,443	16,326,838	9,895,098

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
Storm Drain			
1. Total Personal Services	1,110,645	1,253,238	1,304,989
2. Total Materials and Services	370,152	448,862	441,070
3. Total Capital Outlay	1,534,913	4,141,604	2,484,500
4. Total Debt Service			
5. Total Transfers	464,139	572,989	551,174
6. Total Contingencies		2,742,218	3,409,090
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	5,227,286		
9. Total Requirements	8,707,135	9,158,911	8,190,823
10. Total Resources Except Property Taxes	8,707,135	9,158,911	8,190,823

FUNDS NOT REQUIRING A PROPERTY TAX TO BE LEVIED

FORM LB-2

Publish ONLY Completed Portion of This Page Total Anticipated Requirements must equal Total Resources

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
Reprographics			
1. Total Personal Services	212,065	248,364	242,813
2. Total Materials and Services	354,269	461,500	476,650
3. Total Capital Outlay	31,200	0	0
4. Total Debt Service			
5. Total Transfers	23,706	19,241	20,522
6. Total Contingencies		55,545	55,448
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	87,750		
9. Total Requirements	708,990	784,650	795,433
10. Total Resources Except Property Taxes	708,990	784,650	795,433

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
Garage			
1. Total Personal Services	443,605	486,863	510,034
2. Total Materials and Services	506,851	675,180	646,700
3. Total Capital Outlay	0	0	9,100
4. Total Debt Service			
5. Total Transfers	121,141	118,752	117,810
6. Total Contingencies		83,342	121,189
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	32,215		
9. Total Requirements	1,103,812	1,364,137	1,404,833
10. Total Resources Except Property Taxes	1,103,812	1,364,137	1,404,833

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
Information Systems			
1. Total Personal Services	980,284	1,143,904	1,177,816
2. Total Materials and Services	482,688	688,700	739,925
3. Total Capital Outlay	153,797	90,767	80,300
4. Total Debt Service			
5. Total Transfers	9,159	9,600	9,604
6. Total Contingencies		188,594	225,028
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	306,578		
9. Total Requirements	1,932,506	2,121,565	2,232,673
10. Total Resources Except Property Taxes	1,932,506	2,121,565	2,232,673

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
Mapping/Technical Service			
1. Total Personal Services	285,408	357,829	360,395
2. Total Materials and Services	50,340	74,850	49,800
3. Total Capital Outlay	0	0	0
4. Total Debt Service			
5. Total Transfers	36,708	39,861	52,167
6. Total Contingencies		179,188	278,130
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	174,727		
9. Total Requirements	547,183	651,728	740,492
10. Total Resources Except Property Taxes	547,183	651,728	740,492

FUNDS NOT REQUIRING A PROPERTY TAX TO BE LEVIED

FORM LB-2

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Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
Operations Administration			
1. Total Personal Services	398,998	429,113	518,869
2. Total Materials and Services	130,162	186,556	148,953
3. Total Capital Outlay	0	0	0
4. Total Debt Service			
5. Total Transfers	42,625	48,114	46,434
6. Total Contingencies		78,433	53,709
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	132,412		
9. Total Requirements	704,197	742,216	767,965
10. Total Resources Except Property Taxes	704,197	742,216	767,965
Library Trust			
1. Total Personal Services			
2. Total Materials and Services	52,648	86,500	48,500
3. Total Capital Outlay	0	5,000	0
4. Total Debt Service			
5. Total Transfers	80,000	0	0
6. Total Contingencies		39,764	43,327
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	77,788		
9. Total Requirements	210,436	131,264	91,827
10. Total Resources Except Property Taxes	210,436	131,264	91,827
Insurance Agency			
1. Total Personal Services	158,277	266,067	202,742
2. Total Materials and Services	6,160,375	7,608,755	7,389,659
3. Total Capital Outlay			
4. Total Debt Service			
5. Total Transfers	863,982	56,086	59,196
6. Total Contingencies		1,832,516	2,102,266
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	2,414,965		
9. Total Requirements	9,597,599	9,763,424	9,753,863
10. Total Resources Except Property Taxes	9,597,599	9,763,424	9,753,863
Beaverton Arts Commission			
1. Total Personal Services	103,064	112,961	116,696
2. Total Materials and Services	18,142	24,250	25,385
3. Total Capital Outlay			
4. Total Debt Service			
5. Total Transfers	6,111	6,583	6,589
6. Total Contingencies		90,065	82,425
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance	93,437		
9. Total Requirements	220,754	233,859	231,095
10. Total Resources Except Property Taxes	220,754	233,859	231,095

FUNDS REQUIRING A PROPERTY TAX TO BE LEVIED

FORM LB-4

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Name of Unit/Program

City Council

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
General			
1. Total Personal Services	1,208	1,332	1,332
2. Total Materials and Services	109,438	148,580	148,580
3. Total Capital Outlay			
4. Total Debt Service			
5. Total Transfers	12,619	13,784	13,102
6. Total Contingencies			
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance			
9. Total Requirements	123,265	163,696	163,014

Name of Unit/Program

Mayor's Office

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
General			
1. Total Personal Services	2,062,946	2,335,168	2,544,728
2. Total Materials and Services	1,442,386	1,838,512	1,401,288
3. Total Capital Outlay	70,087	0	0
4. Total Debt Service			
5. Total Transfers	157,584	203,419	213,717
6. Total Contingencies			
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance			
9. Total Requirements	3,733,003	4,377,099	4,159,733

Name of Unit/Program

General Services

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
General			
1. Total Personal Services	392,355	466,300	469,881
2. Total Materials and Services	16,704	140,658	168,950
3. Total Capital Outlay			
4. Total Debt Service			
5. Total Transfers	9,513	8,977	8,290
6. Total Contingencies			
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance			
9. Total Requirements	418,572	615,935	647,121

FUNDS REQUIRING A PROPERTY TAX TO BE LEVIED

FORM LB-4

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Name of Unit/Program Human Resources			
Name of Fund General	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
1. Total Personal Services	730,269	727,563	758,905
2. Total Materials and Services	147,547	226,625	213,083
3. Total Capital Outlay			
4. Total Debt Service			
5. Total Transfers	26,290	30,152	28,094
6. Total Contingencies			
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance			
9. Total Requirements	904,106	984,340	1,000,082

Name of Unit/Program Finance			
Name of Fund General	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
1. Total Personal Services	1,180,897	1,288,160	1,317,691
2. Total Materials and Services	79,827	72,765	66,975
3. Total Capital Outlay			
4. Total Debt Service			
5. Total Transfers	43,913	45,400	46,140
6. Total Contingencies			
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance			
9. Total Requirements	1,304,637	1,406,325	1,430,806

Name of Unit/Program Municipal Court			
Name of Fund General	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
1. Total Personal Services	767,444	846,485	845,376
2. Total Materials and Services	360,146	490,105	424,820
3. Total Capital Outlay	0	0	0
4. Total Debt Service			
5. Total Transfers	11,048	12,146	12,158
6. Total Contingencies			
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance			
9. Total Requirements	1,138,638	1,348,736	1,282,354

FUNDS REQUIRING A PROPERTY TAX TO BE LEVIED

FORM LB-4

Publish ONLY Completed Portion of This Page

Name of Unit/Program

City Attorney

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
General			
1. Total Personal Services	809,416	880,304	926,924
2. Total Materials and Services	21,969	27,355	29,043
3. Total Capital Outlay			
4. Total Debt Service			
5. Total Transfers	7,755	9,475	8,788
6. Total Contingencies			
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance			
9. Total Requirements	839,140	917,134	964,755

Name of Unit/Program

Police

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
General			
1. Total Personal Services	13,947,426	15,390,114	16,572,624
2. Total Materials and Services	2,003,387	2,760,193	2,235,629
3. Total Capital Outlay	347,730	321,357	347,500
4. Total Debt Service			
5. Total Transfers	722,350	903,704	899,753
6. Total Contingencies		199,500	210,900
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance			
9. Total Requirements	17,020,893	19,574,868	20,266,406

Name of Unit/Program

Community Development

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
General			
1. Total Personal Services	2,968,076	3,257,077	3,240,105
2. Total Materials and Services	75,945	181,687	217,853
3. Total Capital Outlay	11,958	12,500	0
4. Total Debt Service			
5. Total Transfers	86,403	88,743	91,367
6. Total Contingencies		44,000	65,000
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance			
9. Total Requirements	3,142,382	3,584,007	3,614,325

FUNDS REQUIRING A PROPERTY TAX TO BE LEVIED

FORM LB-4

Publish ONLY Completed Portion of This Page

Name of Unit/Program

Engineering Department

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
General			
1. Total Personal Services	1,407,921	1,479,158	1,274,847
2. Total Materials and Services	45,679	78,887	66,745
3. Total Capital Outlay	0	0	0
4. Total Debt Service			
5. Total Transfers	113,996	131,484	133,516
6. Total Contingencies			50,000
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance			
9. Total Requirements	1,567,596	1,689,529	1,525,108

Name of Unit/Program

Public Works

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
General			
1. Total Personal Services	874,869	971,218	1,043,697
2. Total Materials and Services	345,521	426,645	474,985
3. Total Capital Outlay	22,187	84,000	53,500
4. Total Debt Service			
5. Total Transfers	175,956	177,011	188,556
6. Total Contingencies		115,800	123,917
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance			
9. Total Requirements	1,418,533	1,774,674	1,884,655

Name of Unit/Program

Non Departmental

Name of Fund	Actual Data Last Year 2004-05	Adopted Budget This Year 2005-06	Approved Budget Next Year 2006-07
General			
1. Total Personal Services	0	101,634	152,277
2. Total Materials and Services	853,149	1,684,244	1,658,682
3. Total Capital Outlay	951,855	7,011,368	1,886,950
4. Total Debt Service	0	386,309	501,096
5. Total Transfers	1,310,770	1,668,595	1,771,551
6. Total Contingencies		3,250,851	4,321,016
7. Total All Other Expenditures and Requirements			
8. Total Unappropriated or Ending Fund Balance			
9. Total Requirements	3,115,774	14,103,001	10,291,572

AGENDA BILL

Beaverton City Council Beaverton, Oregon

SUBJECT: Regulation of Payday Loan Businesses

FOR AGENDA OF: 06-19-06 **BILL NO:** 06112

Mayor's Approval: 

DEPARTMENT OF ORIGIN: City Attorney 

DATE SUBMITTED: 06-12-06

CLEARANCES: Finance 

PROCEEDING: Public hearing

EXHIBITS: Ordinance

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

HISTORICAL PERSPECTIVE:

The City of Beaverton currently has six payday loan businesses. Citizens have raised concerns that the operation of these businesses are detrimental to the financial security of individuals and families living in the City. Payday loan businesses can have an adverse impact on the most vulnerable members of our society such as the elderly, the poor, and recent immigrants.

INFORMATION FOR CONSIDERATION:

Payday loans are short term loans, typically for an initial term of 14 days or less, depending on the date of the borrower's next paycheck. Borrowers are charged a flat fee to obtain a payday loan and these fees amount to annual interest rates which exceed 500%. Usually, borrowers are required to repay the full loan in a single payment at the end of the 14 day term. When borrowers are unable to repay the full loan in a single payment, borrowers can either renew or default on the loan. To renew a loan, borrowers incur another fee, which again may exceed five hundred percent interest per annum. By the end of the state's statutory limit on the number of loan renewals, currently limited to three renewals, borrowers will pay fees that nearly equal the original amount borrowed and may not be able to repay the principal originally borrowed. Both the City of Portland and City of Gresham have adopted ordinances that add to state regulations by allowing borrowers to:

- *rescind their loans within a 24-hour period
- *repay at least 25% of their loans before rolling them over or renewing them and
- *repay their loan via installment plans if they roll over their loan more than three times

Several of the payday loan businesses filed a lawsuit in Multnomah County Circuit Court seeking declaratory judgment that state law preempts cities from adopting such regulations. Recently the Court decided against the industry and that decision was not appealed. Also, the Legislature adopted SB 1105. The operative provisions of this law are different from the provisions of the local government adopted ordinances. SB 1105 capped interest rates at 35% annually, limited fees to \$10 per \$100 borrowed, gave people 31 days to pay off their loan and limited rollover to two. The law will not go into effect until July 2007.

RECOMMENDED ACTION:

Hold the public hearing.

Agenda Bill No: 06112

ORDINANCE NO. 4394

AN ORDINANCE AMENDING PROVISIONS OF
CHAPTER SEVEN OF THE BEAVERTON CITY CODE
ESTABLISHING REGULATIONS ON PAYDAY LENDING

WHEREAS, Chapter Seven of the Beaverton Code provides for licensing and regulation of businesses operating in the City of Beaverton as Payday lenders previously have not been subject to regulatory licensing by the City of Beaverton; and,

WHEREAS, the Council finds that these businesses should be regulated by the City because certain payday lending practices have proven detrimental to the financial security of individuals and families residing in the City. Payday lending practices often have an unreasonably adverse effect upon the elderly, the economically disadvantaged and other residents of the City. Frequently, taking a payday loan puts borrowers in much worse financial shape than before they took the loan; and,

WHEREAS, payday loans are short-term loans, typically for an initial term of 14 days or less, coinciding with the borrower's next paycheck. Borrowers are charged a flat fee to obtain a payday loan. These fees amount to annual interest rates which exceed five hundred percent. Usually, borrowers are required to repay the full loan in a single payment at the end of the 14-day term. When borrowers are unable to repay the full loan in a single payment, borrowers can either renew or default on the loan. To renew a loan, borrowers incur another fee, which again may exceed five hundred percent interest per annum; and,

WHEREAS, the purpose of this ordinance is to require licensing for the purpose of regulating certain payday lending practices to minimize the detrimental effects of such practices on the citizens of the City by regulating payday lending practices occurring in the City, consistent with the laws of the State of Oregon; and,

WHEREAS, the need for local regulation is critical to protect the short and long-term financial security of working citizens struggling to lift their families out of poverty; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Chapter 7, Licenses, Permits and Business Regulations of the Beaverton Code is amended to establish "REGULATIONS ON PAYDAY LENDING," to be added at Sections BC 7.12.005 – 7.12.060, and shall read as follows:

"7.12.005 Purpose.

The City finds that, in order to minimize the detrimental effects that certain payday lending practices have on individuals and families, payday lenders should require payment of a portion of the original loan amount prior to the renewal of a payday loan, borrowers should be able to

rescind a payday loan, and borrowers should be able to convert a payday loan into a payment plan. This chapter shall be construed in conformity with the laws and regulations of the State of Oregon.

7.12.010 Definitions. For the purpose of this Ordinance, unless the context requires otherwise, the following mean:

Borrower - A natural person who receives a payday loan.

Cancel - To annul the payday loan agreement and, with respect to the payday loan agreement returning the borrower and the payday lender to their financial condition prior to the origination date of the payday loan.

Mayor - The City Mayor or designee.

Payday Lender - A lender in the business of making payday loans as defined by state law.

Payday Loan - A payday loan as defined by state law.

Principal - The original loan proceeds advanced for the benefit of the borrower in a payday loan excluding any fee or interest charge.

7.12.015 Permits.

Within 60 days of the effective date of this Ordinance, any Payday Lender operating in the City of Beaverton shall apply for and obtain a permit to operate as a Payday Lender. Permits shall be required for each location a lender operates in the City of Beaverton and shall be renewed annually. The application shall be in a form to be determined by the Mayor. The Mayor shall require the Payday Lender to report its fee schedule in the Payday Lender's permit application. No person shall operate a Payday lending business or loan any funds as a Payday Loan without a current permit to do business issued by the City of Beaverton. The amount of the fee shall be set by Council resolution.

7.12.020 Administrative Authority.

A. The Mayor is authorized and directed to enforce all provisions of this Ordinance. The Mayor shall have the power to investigate any and all complaints regarding alleged violations of this Ordinance. The Mayor may delegate any or all authority granted under this Section to a designee.

B. The Mayor is authorized to adopt and enforce rules interpreting and applying this Ordinance. The Mayor shall make written findings of fact and conclusions of law to support all decisions.

C. The City of Beaverton reserves the right to review and/or copy the records of any Payday Lender for purposes of auditing or complaint resolution. Such records shall be made available for inspection during normal business hours within 24 hours of written notice by the Mayor.

7.12.025 Cancellation of Payday Loan.

A. A Payday Lender shall cancel a Payday Loan without any charge to the Borrower if prior to the close of the business day following the day on which the Payday Loan originated, the Borrower:

1. Informs the Payday Lender in writing that the Borrower wishes to cancel the Payday Loan and any future payment obligations; and

2. Returns to the Payday Lender the uncashed check or proceeds given to the Borrower by the Payday Lender or cash in an amount equal to the principal amount of the Payday Loan.

B. A Payday Lender shall conspicuously disclose to each Borrower that the right to cancel a Payday Loan as described in this section is available to the Borrower. The Payday Lender shall disclose this requirement to the borrower in a minimum of bold 12 point type.

7.12.030 Renewals of Payday Loans

A Payday Lender shall not renew an existing payday loan more than two times.

7.12.035 Payment of Principal Prior to Payday Loan Renewal.

A Payday Lender may not renew a Payday Loan unless the Borrower has paid an amount equal to at least twenty-five percent (25%) of the principal of the original Payday Loan, plus interest on the remaining balance of the Payday Loan. The Payday Lender shall disclose this requirement to the Borrower in a minimum of bold 12 point type.

7.12.040 Payment Plan for a Payday Loan.

A. A Payday Lender and a Borrower may agree to a payment plan for a Payday Loan at any time.

B. A Payday Lender shall disclose to each Borrower that a payment plan described in this section is available to the Borrower after two renewals of the loan. The Payday Lender shall disclose this requirement to the Borrower in a minimum of bold 12 point type.

C. After a Payday Loan has been renewed twice, and prior to Payday Lender declaring a default on the Payday Loan, a Payday Lender shall allow a Borrower to convert the Borrower's Payday Loan into a payment plan. Each payment plan shall be in writing and acknowledged by both the Payday Lender and the Borrower.

D. The Payday Lender shall not assess any fee, interest charge or other charge to the Borrower as a result of converting the Payday Loan into a payment plan.

E. The payment plan shall provide for the payment of the total of payments due on the Payday Loan over a period of no fewer than 60 days in three or more payments. The Borrower may pay the total of payments due on the payment plan at any time. The Payday Lender may not assess any penalty, fee or other charge to the Borrower for prepayment of the payment plan.

F. A Payday Lender's violation of the terms of a payment plan entered into with a Borrower under this section constitutes a violation of this Ordinance. If a Payday Lender enters into a payment plan with a Borrower through a third party that is representing the Borrower, the Payday Lender's failure to comply with the terms of that payment plan constitutes a violation of this Ordinance.

7.12.045 Remedies.

A. Failure to comply with any part of this Chapter or the administrative rules may be punishable by civil penalties. The Mayor may impose a civil penalty of up to \$1,500.00 for a substantial violation of this Ordinance or the administrative rules. A substantial violation is a violation having an impact on the public, as determined by the Mayor, that informal compliance methods fail to resolve. Each substantial violation may be assessed a separate civil penalty.

B. Civil penalties shall be payable to the City of Beaverton.

C. Civil remedies. Nothing in this Section is intended to prevent any person from pursuing any available legal remedies.

D. No civil penalties shall be assessed within 60 days of the effective date of this Ordinance

7.12.050 Appeals.

Any person upon whom a civil penalty has been imposed, or who has been directed by the Mayor to resolve a complaint, may appeal by filing a notice of appeal with the Mayor. The City Council shall consider the appeal.

7.12.055 Complaints.

A. The Mayor shall have the authority to investigate any and all complaints alleging violation of this Ordinance or administrative rules.

B. The Mayor may receive complaints from Borrowers by telephone or in writing. Within a reasonable time, the Mayor shall forward the complaint by telephone or in writing to the Payday Lender it concerns for investigation.

C. The Payday Lender shall investigate the allegations of the complaint and report the results of the investigation and the proposed resolution of the complaint to the Mayor by telephone or in writing within two (2) business days from initial contact by the Mayor.

D. If the proposed resolution is satisfactory to the Mayor, the Payday Lender shall proceed to resolve the complaint directly with the Borrower according to the resolution proposed to the Mayor.

E. If the proposed resolution is not satisfactory to the Mayor, the Mayor shall conduct an independent investigation of the alleged complaint and propose an alternative resolution of the complaint. If the Payday Lender accepts the proposed alternative resolution and offers it to the Borrower, the complaint shall be final. If the Payday Lender refuses to accept and implement the proposed alternative resolution it shall be subject to remedies as provided in BC 7.12.030. In the event of imposition of remedies, the Payday Lender may appeal as provided in BC 7.12.035.

7.12.060 Severability.

If any provision of this Ordinance, or its application to any person or circumstance is declared invalid or unenforceable the remainder of the Ordinance and its application to other persons and circumstances, other than that which has been held invalid or unenforceable, shall not be affected, and the affected provision of the Ordinance shall be severed."

First reading this ___ day of _____, 2006.

Passed by the Council this ___ day of _____, 2006.

Approved by the Mayor this ___ day of _____, 2006.

ATTEST:

SUE NELSON, City Recorder

APPROVED:

ROB DRAKE, Mayor

From: Laura Etherton [etherton@ospirg.org]
Sent: Tuesday, June 06, 2006 2:26 PM
To: Cathy Jansen
Subject: Information about payday loan shared databases

OR STATE PUBLIC INTERESTS
RESEARCH GROUP

To: Mayor Rob Drake, City Council President Cathy Stanton and Members of the Beaverton City Council
Fr: Laura Etherton, OSPiRG Consumer Advocate
Re: Information about payday loan shared databases

Thank you for the opportunity to testify at the Beaverton City Council work session last night. I wanted to provide an answer to a question that came up about a shared state database, and which I did not have specifics on at the time, and to provide some additional background on the related issue of lenders obtaining information about the borrower's ability to repay the loan.

During the conversation about methods to address the problem of simultaneous borrowing from multiple payday lenders, such as a shared database, Councilor Arnold asked for a list of states that currently require lenders to use such a database. According to my files, as of January 2006, Florida, Oklahoma, Illinois, Michigan, North Dakota had passed policies requiring a shared database.

As the representative from the payday lending association mentioned in her comments, some lenders may obtain information about a consumer's other payday loans from a company such as TeleTrack that tracks sub-prime lending market consumer data. They also may obtain information from the consumer himself as part of the application process.

Assessing a borrower's ability to repay a loan is required in Oregon, but this has been a challenge for the payday loan industry, as evidenced by a 2003 study by the Oregon Department of Consumer and Business Services (DCBS) in which 74% of Oregon borrowers surveyed reported being unable to repay their payday loan when due.

While the new state law does not require the use of a shared database, it is an option that Oregon DCBS should be encouraged to investigate as it explores methods to enforce the letter and spirit of the law.

I hope this information has been helpful. Thank you again for the opportunity to comment on your proposed ordinance to protect consumers.

Laura Etherton
OSPIRG Consumer Advocate
1536 SE 11th Ave
Portland, OR 97214
503-231-4181x305 office
503-807-6409 cell
www.ospirg.org
etherton@ospirg.org

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No virus found in this outgoing message.
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Version: 7.1.394 / Virus Database: 268.8.1/355 - Release Date: 6/2/2006

AGENDA BILL

Beaverton City Council Beaverton, Oregon

SUBJECT: Request for Approval of a Contract-Specific Special Procurement

FOR AGENDA OF: 06/19/06 **BILL NO:** 06113

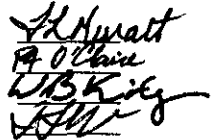
Mayor's Approval: 

DEPARTMENT OF ORIGIN: Public Works 

DATE SUBMITTED: 5/31/06

CLEARANCES:

Purchasing
Finance
City Attorney
Capital Proj.



PROCEEDING: Public Hearing
(Contract Review Board)

EXHIBITS:

1. CIP Project Description
2. ODOT Letter
3. OBEC Project List
4. Statement of Work

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$166,015	BUDGETED \$1,126,702.00*	REQUIRED \$0

* Account Number 310-75-3229-683 (Murray Road Extension)

HISTORICAL PERSPECTIVE:

In connection with the development of the Town Center at Progress Quarry, Murray Boulevard will be extended to link Scholls Ferry Road and Barrows Road. The extension is a condition of approval of the Town Center at Progress Quarry presently being developed by Polygon NW. The need for the connection and the route for the extension were identified in the 1988 Urban Planning Agreement among Tigard, Beaverton, and Washington County. (For additional project information, see generally exhibit #1: CIP project description.)

The planned extension necessitates the construction of not only traditional roadway, but includes the construction of a 300-foot long bridge over Summer Creek, which is in a wetlands area partly under the jurisdiction of the US Army Corps of Engineers. The City's design and construction responsibilities in connection with the Murray Boulevard Extension are limited. The City is responsible only for the design and construction of the bridge section of the Murray Boulevard extension, not for the design and construction of the new street at the southern end of the bridge. The design and construction of the new street is the responsibility of Polygon NW, in connection with its development of the Town Center at Progress Quarry.

To ensure that construction of the Summer Creek Bridge is in accordance with the Oregon Department of Transportation Design Manual and the City's Engineering Design Manual and Standard Drawings, construction plans and specifications need to be prepared by a professional engineer. Additionally, after the bridge is constructed, it must be inspected before the City accepts responsibility for its future maintenance and repair. The City does not employ an engineer with the specialized knowledge and expertise required to design and inspect a 300-foot bridge. Few if any such structures presently exist in the City. Ordinarily, when the City needs to hire an outside engineer, the City chooses one from a list of engineers who are on

retainer to the City as a result of a competitive solicitation process. In this instance, however, the City has no engineers on retainer who specialize in designing or inspecting bridges.

INFORMATION FOR CONSIDERATION:

In the absence of a suitable engineer available in-house or on retainer to design and inspect a bridge for the City, the City normally would follow a formal request for proposals (RFP) method of procurement to award a professional services contract for engineering design work. After careful consideration, however, the City has determined that it is not in the best interest of the City or the public to follow the traditional procurement process to hire a design engineer for this particular project. Instead, the City believes the Contract Review Board should approve a "contract-specific special procurement" for the purpose of selecting OBEC Consulting Engineers to provide professional engineering services related to the design and inspection of the Summer Creek Bridge. This alternative contracting method is permitted pursuant to ORS 279B.085 and Beaverton Purchasing Code, section 50-0015.

A major reason why the alternative contracting method is proposed is that OBEC is already extremely well familiar with the specific design challenges that must be addressed with this project. OBEC's familiarity with this particular project came about as part of the permitting process Polygon NW went through to obtain permission to develop the Town Center at Progress Quarry. Polygon NW hired OBEC to prepare a preliminary design report with alternative designs for the crossing of the Summer Creek wetlands. When that work was completed, OBEC then assisted Polygon NW in an extensive permitting process with the US Army Corps of Engineers. Currently, OBEC is working with a second engineering firm to design the street portion of the Murray Boulevard Extension for which Polygon NW is responsible.

OBEC is considered to be one of the foremost bridge engineering firms in the state. The Oregon Department of Transportation (ODOT) ranks OBEC number one for on-call Architectural and Engineering Services for Local Agencies in four of the five ODOT regions in the state (exhibit #2: ODOT letter). ODOT ranks the firm second for on-call Architectural and Engineering Services in the remaining ODOT region. The firm has completed dozens of bridge-related engineering projects around the state in recent years, recently including the Minter Road and the Rood Road Bridges in Washington County (see exhibit #3: OBEC Project List).

With their well-developed expertise and extensive familiarity with this particular project, the City believes that OBEC is extremely well-qualified to provide engineering design and inspection services to the City for the Summer Creek Bridge Project. Use of the firm for the City's design and inspection work will also help assure good design coordination between the street Polygon NW is responsible for designing and constructing and the bridge the City is responsible for designing and constructing. Correct design and construction of the Murray Boulevard Extension is imperative to assure that any affected wetlands are protected as mandated by the US Army Corp of Engineers.

OBEC has provided a not-to-exceed estimate for these services in the amount of \$166,015.00 (exhibit #4: statement of work). In the opinion of staff, based on current knowledge of the Portland-metropolitan area marketplace for professional engineering services, that amount is not an unreasonable fee to charge for the described professional engineering design services. The fee also represents a cost savings to the City and to the public given that OBEC is up to date with the Murray Boulevard Extension Project and that a more time-consuming and expensive formal RFP process will not be followed if the requested alternative contracting method is allowed by the Contract Review Board.

Approval of the requested alternative contracting method is unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts. The City generally hires consulting engineers through a competitive solicitation process. It is largely because the engineering expertise demanded for this project is so uncommonly required in the City that the City's typical procurement process cannot be followed in this single instance. The rarity of similar circumstances helps to assure that use of an alternative contracting method in this instance will not encourage favoritism or substantially diminish competition in the future.

Pursuant to ORS 279B.085(4), the City of Beaverton's Contract Review Board may approve the City's request for a special procurement if the Board finds that the written request for approval of a special procurement demonstrates that the use of the special procurement as described in the request will (a) be unlikely to encourage favoritism in the awarding of public contracts or to substantially diminish competition for public contracts and either (b) result in substantial cost savings to the City or to the public or (c) otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with regular purchasing requirements.

Accordingly, the City requests that the Contract Review Board find, based on the information supplied in this agenda bill and its attachments, that under the standards of ORS 279B.085(4) the City is justified in using the alternative contracting method described herein for the purpose of selecting OBEC Consulting Engineers to provide professional engineering services related to the design and inspection of the Summer Creek Bridge.

The City further requests that the Contract Review Board authorize the City to award a contract to OBEC Consulting Engineers of Eugene, Oregon, for an amount not to exceed \$166,015.00 to provide engineering design and inspection services for the Murray Boulevard Extension Project.

RECOMMENDED ACTION:

Council, acting as Contract Review Board:

(1) find, based on the information supplied in this agenda bill and its attachments, that under the standards of ORS 279B.085(4) the City is justified in using the alternative contracting method described herein for the purpose of selecting OBEC Consulting Engineers to provide professional engineering services related to the design and inspection of the Summer Creek Bridge; and

(2) authorize the City to award a contract to OBEC Consulting Engineers of Eugene, Oregon, for an amount not to exceed \$166,015.00 to provide engineering design and inspection services for the Murray Boulevard Extension Project in a form approved by the City Attorney.

City of Beaverton
2006-2007 CIP

Project Data

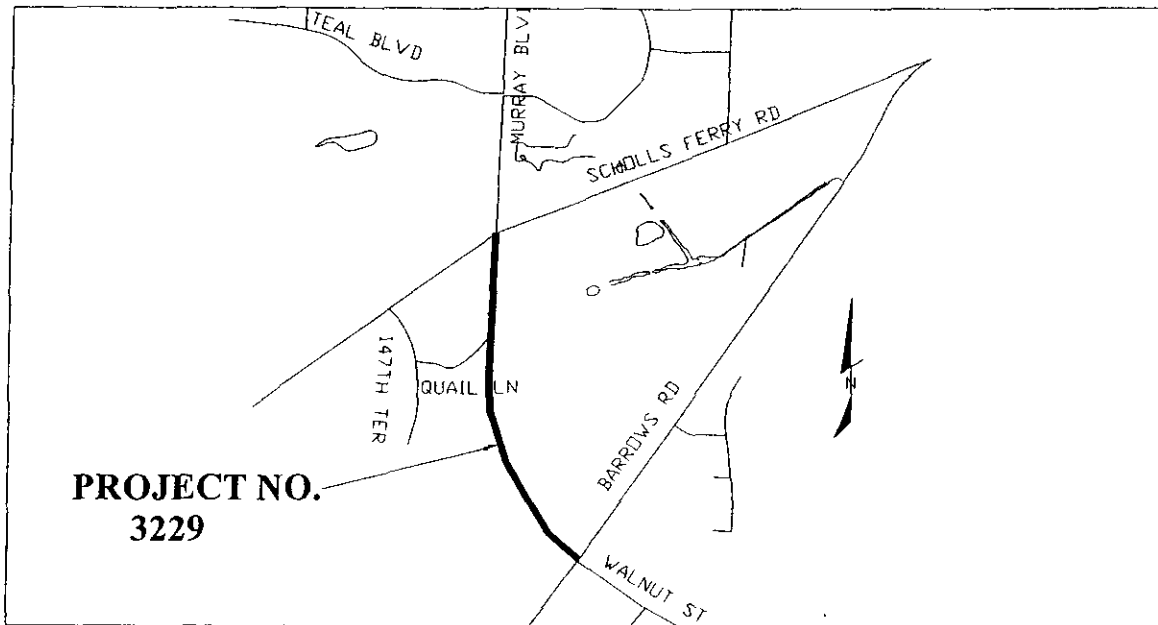
Transportation

Project Number: 3229

Project Name: Murray Blvd Extension (Scholls Ferry Rd - Barrows Rd)

Project Description: This project completes the extension of Murray Blvd from Scholls Ferry Rd to Barrows Rd. The project includes two 12-foot wide travel lanes, a 12-foot wide turn lane at Springbrook Ln, two 12-foot wide turn lanes at Barrows Rd, two 10.5-foot wide sidewalks, a 300 foot long bridge, 600 lineal feet of retaining walls, 1700 lineal feet of 8-inch diameter waterline line, 1200 lineal feet of 12-inch storm drain, and landscaping and irrigation.

Map:



Project Justification:

The need for the connection and the route location were identified in the 1988 Urban Planning Area Agreement with Washington County and the City of Tigard. The extension of Murray Blvd from Scholls Ferry Rd to Barrows Rd is a condition of approval for the Town Center development at Progress Quarry. Funding is proposed as a public-private partnership with the developer of the Progress Quarry Regional Center.

Project Status:

FY05-06: Complete design. FY06-07: Construct the section from the south bridge approach to Barrows Rd and begin bridge construction.

Estimated Date of Completion: 09/30/2008

Estimated Project Cost: \$4,078,746

First Year Budgeted: FY01/02

Funding Data:

<u>Project No.</u>	<u>Fund No.</u>	<u>Fund Name</u>	<u>Amount</u>	<u>FY</u>
3229	101	Street Fund	\$317,715	FY2006/07
	114	TIF Fund	\$808,987	FY2006/07
	3620	Water Extra Capacity Supply	\$235,000	FY2006/07

Total for FY: \$1,361,702

**SUPPORT SERVICES SECTION**

Purchasing and Contract Management Unit
455 Airport Rd. SE; Building K
Salem, OR 97301-5348

Telephone (503) 986-6931

FAX: (503) 986-5790

Email: kim.c.rice@odot.state.or.us

January 23, 2006

OBEC Consulting Engineers
Attn: Gayle Harley
920 Country Club Rd, Ste 100B
Eugene, OR 97401

RE: RFP # 22404 /Price Agreement **25313**
On-Call A&E Services for Local Agencies

Congratulations, your firm has been selected for negotiations for the On-Call A&E Services for Local Agencies. The tentative award applies to **Regions 1, 2, 3, 4 & 5**. Please reference the above Price Agreement (PA) number in all correspondence related to this PA. Marty Andersen (Ph: 503-986-3640) will be the Contract Administrator for this PA. Marty will be the primary contact for negotiating the billing rates and scope of work for the PA.

A PA kick-off meeting to discuss roles, responsibilities, objectives and expectations is scheduled for February 13, 2006 from 1:30 to 3:30. This will be a group meeting with all selected firms and will be held in Salem at 455 Airport Rd, Region 2-Bldg B, Mt Jefferson Room #116.

Evaluation Team Results:

The following table presents the results of the Statement of Proposals evaluations completed by Agency representatives. The shaded rows in each Region table indicate firms selected for the respective Region.

REGION 1							Score	
Firms	Ted K	Dave S	Tom W	Darrell N	Michelle L	Jennie S	Average	Rank
OBEC	135	128	136	115	140	133	131.63	1
David Evans & Assoc	124	138	132	130	133	115	128.33	2
W&H Pacific	131	134	135	112	138	109	126.60	3
OTAK	109	128	127	113	125	130	122.00	4
CH2M Hill	113	119	135	98	133	121	120.17	5
H&B E&C	114	119	127	84	127	127	115.50	6
Parametrix	125	127	130	97	111	117	114.50	7
Jacobs Civil	111	122	119	102	104	91	108.17	8
KPFF	98	106	111	74	119	118	104.33	9
HDR	106	113	98	85	104	119	104.17	10
URS	70	118	125	91	110	108	103.33	11
Quincy Engineering	107	115	106	77	87	104	99.33	12
WRG	115	110	112	64	96	94	98.60	13
HW Lochner	88	101	100	90	93	91	93.83	14
Exeltech	73	110	103	66	105	71	88.00	15
Capitol Project Consultants	72	82	111	67	87	75	82.33	16

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January 23, 2006

REGION 2							
Firms	Ted K	Dave S	Tom W	Darrell N	Michelle L	Jennie S	Score
							Average Rank
OBECS	139	128	138	115	120	118	122.33
David Evans & Assoc	121	135	132	129	133	127	127.17
W&H Pacific	130	124	135	109	135	117	126.17
OTAK	107	122	127	112	123	129	120.17
CH2M Hill	115	119	135	138	132	119	125.67
Parametrix	124	127	130	102	107	100	112.83
KPFF	96	106	111	74	119	116	103.67
HDR	105	113	98	85	104	116	103.50
URS	68	119	121	91	110	107	102.67
Quincy Engineering	107	115	105	77	87	105	99.33
WRG	108	110	104	63	96	91	95.33
HW Lochner	89	98	101	88	93	92	93.50
Exeltech	74	110	105	66	105	73	88.83

REGION 3							
Firms	Ted K	Dave S	Tom W	Darrell N	Michelle L	Jennie S	Score
							Average Rank
OBECS	137	128	139	112	140	124	125.50
David Evans & Assoc	126	135	132	130	133	105	125.93
W&H Pacific	124	131	131	103	138	105	125.33
OTAK	106	127	125	112	121	124	115.50
CH2M Hill	108	119	133	98	128	102	113.83
Parametrix	121	128	128	90	104	99	111.67
Jacobs Civil	111	123	112	98	102	86	105.33
HDR	104	113	98	85	104	114	103.00
URS	68	118	125	89	110	100	101.67
Quincy Engineering	105	115	104	75	87	104	98.33
HW Lochner	86	97	93	85	93	85	89.83
Exeltech	72	110	103	65	105	69	87.33

REGION 4							
Firms	Ted K	Dave S	Tom W	Darrell N	Michelle L	Jennie S	Score
							Average Rank
David Evans & Assoc	122	135	132	130	133	118	127.50
OBECS	129	124	133	110	131	127	126.17
W&H Pacific	127	133	135	117	139	103	125.50
OTAK	107	125	127	110	121	132	120.50
CH2M Hill	107	118	132	94	126	103	113.33
Parametrix	121	126	127	94	104	100	112.00
J-U-B Engineers	125	112	120	80	107	109	108.83
HDR	104	113	98	85	104	113	102.83
URS	68	116	125	89	110	99	101.17
Quincy Engineering	105	115	104	75	85	103	97.83
HW Lochner	87	96	98	84	92	88	90.83
Project Engineering Consult.	86	75	76	58	82	59	72.67
Anderson Engineering	77	72	78	60	62	46	65.83

REGION 5							
Firms	Ted K	Dave S	Tom W	Darrell N	Michelle L	Jennie S	Score
							Average Rank
OBECS	129	121	131	109	134	126	125.00
Anderson Perry	110	132	129	110	138	119	124.50
OTAK	103	122	118	104	121	119	114.50
Parametrix	122	127	128	91	101	108	112.83
J-U-B Engineers	116	112	114	80	102	107	105.17
HDR	103	113	98	85	104	111	102.33
URS	64	114	117	87	110	95	97.83
Quincy Engineering	103	115	103	75	84	102	97.00
HW Lochner	83	97	95	82	91	84	88.67
Project Engineering Consult.	88	78	84	58	82	60	75.00
Anderson Engineering	67	67	74	56	62	46	62.00

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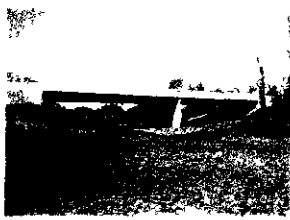
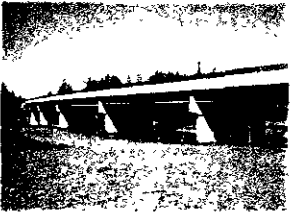


TABLE 10			Surveying & R/W (a)	Roadway (b)	Traffic (c)	Structures (d)	Environmental / PI (e)	Construction (f)	
Project Name, Client Reference, Duration and Performance			Project Description, Type & Size						
REGION 1 – OBEC PROJECTS									
OTIA Bridge Replacement		Minter Road Bridges, Washington County Todd Watkins, 503.846.7650 PE Duration: 5 months Project Cost: 2.92M PE: \$382K CE: 150K • Schedule accelerated to meet OTIA funding • Project completed under budget.	•	•	•	•	•	•	207' single-span segmental post-tensioned girder bridge and a 190' 2-span prestressed girder overflow bridge. The project included 1900' of roadwork. Project responsibilities included: (a) Site survey, DTM and all right of way surveying, mapping and acquisitions (b) 1900' of road approach design including extensive retaining walls (c) Traffic control design (d) Design of 2 replacement structures (e) Comprehensive environmental documentation, permit acquisition and public involvement (f) CE support to the County during construction
HBRR Bridge Replacement		Rood Road Bridge, Washington County Todd Watkins, 503.846.7650 PE Duration: 21 months Project Cost: \$5.12M PE: \$265K CE: \$158K • PE Schedule accelerated to meet OTIA funding • Project completed under budget.	•	•	•	•	•	•	680' 6-span prestressed precast concrete girder bridge. The project included 814' of roadwork. Project responsibilities included: (a) DTM site survey, R/W mapping, descriptions, and acquisitions (b) Roadway design for 814' of approach roadway (c) Traffic control plans (d) PE & PS&E for 68' bridge replacement (e) Environmental documentation, permits and PI (f) CE support to the County during construction
Roadway Modernization		Hwy. 213/ Beaver Creek Rd., City of Oregon City Nancy Kraushaar, PE 503.657.0891 PE Duration: 21 months Project Cost: \$3.93M PE: \$759K CE: \$695K • PE increased for offsite mitigation design. CE increased for additional utility design • Met original schedule and budget.	•	•	•	•	•	•	Roadway modernization project for the upgrade of the intersection of Hwy 213 and Beaver Creek Road in Oregon City. Project responsibilities included (a) DTM site survey, R/W mapping, descriptions, and acquisitions (b) Roadway design for additional lanes, sidewalk improvements, and stormwater runoff; landscape & irrigation plans (c) Traffic signals; temporary traffic control & staging plans, illumination (d) Retaining walls and culvert replacement, including hydraulic analysis (e) Environmental documentation, plans and permits, including detention pond and off-site fish passage mitigation, and public involvement (f) CE including construction inspection and contract administration
HBRR Bridge Replacement		Milton Way Bridge, City of St. Helens Sue Nelson-Mullett, 503.397.6272 PE Duration: 19 months Project Cost: \$634K PE: \$145K CE: \$53K • Met original schedule and budget	•	•	•	•	•	•	90' single-span precast prestressed slab bridge replacing a 1914 historic steel truss bridge. Project includes 400' of roadwork. Project responsibilities included (a) DTM site survey, R/W mapping, descriptions, and acquisitions (b) Roadway design for 400' of approach roadway hydraulics, storm water and erosion control design (c) Traffic control plans (d) Replacement of a historic steel truss bridge with a 90' precast slab bridge with classic rail features (e) Environmental documentation, Historic Section 106 documentation, permit acquisition and PI (f) CE including construction inspection and contract administration

TABLE 10

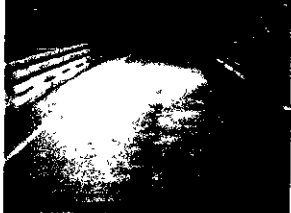



Project Name, Client Reference, Duration and Performance			Surveying & RW (a)	Roadway (b)	Traffic (c)	Structures (d)	Environmental / PI (e)	Construction (f)	Project Description, Type & Size
HBRR Bridge Replacement		<p>Salmon River (East Bridge St.) Bridge, Clackamas Co. Mike Bezner, 503.353.4651</p> <p>PE Duration: 17 months Project Cost: \$367K PE: \$162K CE: 36K</p> <ul style="list-style-type: none"> • Scope was changed from rehab. to replacement project • Met revised schedule and budget 	•	•	•	•	•	•	<p>Replacement of timber glu-lam bridge with 120' precast deck bulb tee girder structure</p> <p>Project responsibilities included:</p> <ul style="list-style-type: none"> (a) DTM site survey, R/W mapping, descriptions, and acquisitions (b) Roadway design for approach roadwork, hydraulics, storm water and erosion control design (c) Traffic control plans (d) PE & PS&E for a 120' single span precast prestressed concrete bridge (e) Environmental documentation, permit acquisition and public involvement (f) CE including construction inspection and contract administration
Bridge Preservation		<p>St. Johns Bridge Rehabilitation, Region 1, ODOT Frank Nelson, 503.986.3324</p> <p>PE Duration: 30 months Project Cost: Ongoing PE: \$282K CE: \$279K</p> <ul style="list-style-type: none"> • Scope was revised to include additional CE services • Met original schedule • CE completed under budget. 				•	•		<p>OBEC assisted ODOT Bridge Section with the rehabilitation design of this historic 2,000' four-lane suspension bridge and viaduct constructed in 1931.</p> <p>Project responsibilities included:</p> <ul style="list-style-type: none"> (d) Design of main cable and suspender rehabilitation, seismic analysis and design of main cable traction rod seismic restraints, linear and non-linear analysis of the suspension spans for deck replacement staging, design checking of ODOT's deck replacement design (f) OBEC is currently providing construction assistance and construction inspection support to ODOT
Bridge Preservation		<p>Burnside Bridge Bascule Span Rehabilitation, Multnomah County Jon Henrichsen, 503.988.3757, x228</p> <p>PE Duration: 10 months Project Cost: \$7.3M PE: \$1,054K CE: 405K</p> <ul style="list-style-type: none"> • PE phase met original schedule • Project delivered under budget 				•	•	•	<p>OBEC recently completed PE for the rehabilitation of the main bascule span of the historic Burnside Bridge over the Willamette River in Portland.</p> <p>Project responsibilities included:</p> <ul style="list-style-type: none"> (d) Design of bascule span concrete deck and sidewalk replacement using high performance concrete, machinery rehabilitation including gear and bearing rehabilitation, replacement of link arms and counterweight trunnion, minor painting and seismic retrofitting (e) Environmental documentation and permits including ESA consultation, Section 106 SHPO consultation, public involvement and noise variance (f) OBEC is currently providing construction assistance and construction inspection support to the County
REGION 2 - ODOT PROJECTS									
OTIA Bridge Replacement	 1st Avenue Bridge	<p>1st Avenue (Necanicum River) & 12th Avenue (Neawanna Cr) Bridges, City of Seaside Neal Wallace, 503.738.5112</p> <p>PE Duration: 11 months Project Cost: \$1.50M PE: 169K CE: \$149K</p> <ul style="list-style-type: none"> • Schedule accelerated to meet in-water work window • Project completed within budget. PE amended for additional geotechnical analysis 	•	•	•	•	•	•	<p>1st Ave. Br. – 192' three-span prestressed concrete slab bridge with 315' of roadway. 12th Ave. Br. – 210' three-span prestressed concrete slab bridge with 470' of roadway.</p> <p>Project responsibilities included:</p> <ul style="list-style-type: none"> (a) DTM site survey, R/W mapping and descriptions (b) Roadway design for approach roadwork, hydraulics, storm water and erosion control design (c) Traffic control plans (d) PE & PS&E for two multi-span precast prestressed slab bridges (e) Environmental documentation, permit acquisition and public involvement (f) CE including construction inspection and contract administration






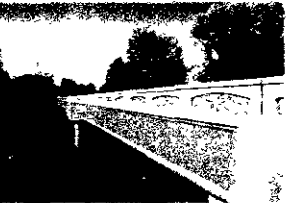
TABLE 10			Surveying & R/W (a)	Roadway (b)	Traffic (c)	Structures (d)	Environmental / PI (e)	Construction (f)	Project Description, Type & Size
Project Name, Client Reference, Duration and Performance									
OTIA Bridge Replacement		E. Broadway (Neawanna Cr) Br., City of Seaside Neal Wallace, 503.738.5112 PE Duration: 8 months Const. Cost: \$587,036 PE: \$72K CE: \$81K • Schedule accelerated to meet in-water work window • Project completed within budget	•	•	•	•	•	•	147' three-span prestressed concrete slab bridge with approach roadway. Project responsibilities included: (a) DTM site survey, R/W mapping and descriptions (b) Roadway design for approach roadway, hydraulics, storm water and erosion control design (c) Traffic control plans (d) PE & PS&E for a three span precast prestressed slab bridges (e) Environmental documentation, permit acquisition and public involvement (f) CE including construction inspection and contract administration
Roadway Modernization		Sandlake Rd. – Galloway Rd., Western Federal Lands Highway Division (WFLHD) John Murphy, 360.619.7700 PE Duration: 34 months Const. Cost: \$9.21M PE: \$702K • Completed within budget • Met original schedule	•	•	•		•		7.5 miles of Sandlake Road realignment with major utility relocations and a complete environmental assessment. Project received a Project Development Award from FHWA. Project responsibilities included: (a) DTM site survey, R/W mapping and descriptions (b) Roadway design for major alignment improvements, hydraulics, storm water and erosion control design (c) Traffic control plans (e) Environmental assessment, documentation and permit acquisition
Enhancement		Lowell Covered Bridge, Lane County Ollie Snowden, 541.682.6910 PE Duration: 23 months Const. Cost: \$2.73M PE: \$291K CE: \$293K • Completed within budget • Met original schedule	•	•		•	•	•	Rehabilitation design for the historic Lowell Covered Bridge including upgrading the existing site to an interpretive center for local tourism. Project responsibilities included: (a) DTM site survey (b) Site design for expanded causeway, parking area, and interpretive center (d) Rehabilitation design for a highly deteriorated historic covered bridge (e) Environmental documentation, permit acquisition, Section 106 consultation with SHPO and PI (f) OBEC is currently providing CE including construction inspection and contract administration
OTIA Bridge Replacement	 Meadow Lake Road Bridge Rendering	Meadow Lake Road Bridge, Yamhill County Bill Gille, 503.434.7365 PE Duration: 12 months Const. Cost: \$3.71M PE: \$345K CE: \$374K • Completed under budget • Met original schedule within one month due to permit delays	•	•	•	•	•	•	424' two-span segmental post-tensioned concrete girder replacement structure. Project responsibilities included: (a) DTM site survey, R/W mapping, descriptions and acquisition (b) Roadway design for approach roadway, hydraulics, storm water and erosion control design (c) Traffic control plans (d) PE & PS&E for a 424' two-span precast segmental concrete bridge w/ CIP box girder pier section (e) Environmental documentation, permit acquisition and public involvement (f) OBEC is currently providing all CE including construction inspection and contract administration


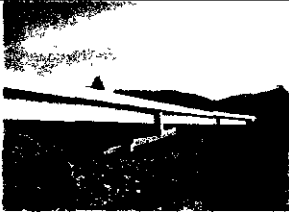


TABLE 10			Surveying & R/W (a)	Roadway (b)	Traffic (c)	Structures (d)	Environmental / PI (e)	Construction (f)	Project Description, Type & Size
Project Name, Client Reference, Duration and Performance									
Bridge Preservation		Willamette River (Independence) Bridge Rehab., Marion Co. Bill Worcester, 503.588.5036 PE Duration: 21 months Const. Cost: \$1.99M PE: \$79K CE: \$323K • Completed within budget, CE budget increased to perform emergency scour repair during construction • Met original schedule	•	•	•	•	•	•	Rehabilitation of a 2214' critical bridge crossing of the Willamette River in Independence Project responsibilities included: (a) DTM site survey (b) Roadway design for approach roadwork, storm water and erosion control design (c) Traffic management design and traffic control plans (d) PE & PS&E for rehabilitation of the existing bridge including structural concrete deck overlay, seismic retrofit, drainage system installation, rail retrofit and painting (e) Environmental documentation, permit acquisition and public involvement (f) CE including construction inspection and contract administration
Bridge Replacement		Marcola Rd. (Mohawk River) Bridge, Lane County Fred Willer, 541.682.6960 Duration: 21 months Const. Cost: \$2.26M PE: \$110K CE: \$182K • Completed within budget • Schedule was delayed due to environmental permits handled by the County				•	•		Design of a 380' three-span prestressed concrete girder bridge with Lane County preparing all roadway plans and environmental documentation and permits. Project responsibilities included: (e) Design of a 380' three-span precast prestressed girder replacement bridge over the Mohawk River, including hydraulic design and flood plain permit (f) OBEC provided construction assistance and construction inspection for the bridge structure
Enhancement		Rogue River Pedestrian Bridge, Grants Pass Laurel Samson, 541.474.6360 PE Duration: 36 months Const. Cost: \$2.29M PE: \$177K CE: \$236K • Completed within budget • Met revised schedule after project was redesigned and rebid for project economy	•	•		•	•	•	ACEC & PCI Award winning project. 658' 3-span stress ribbon bridge. First bridge of its kind to be constructed in the State of Oregon. Project responsibilities included: (a) DTM site survey (b) Design for approach path, hydraulics, storm water and erosion control (d) PE & PS&E for award winning multi-span stress ribbon pedestrian bridge with viewing platforms over the scenic Rogue River (e) Environmental documentation, permit acquisition and public involvement (f) CE including construction inspection and contract administration
Roadway Modernization		F Street (Spaulding) Extension, Grants Pass Laurel Samson, 541.474.6360 PE Duration: 6 months Const. Cost: \$575K PE: \$74K CE: \$27K • Completed within budget • Met original schedule	•	•	•			•	Roadway modernization project consisting of a new 1425' 3-lane city street section with curb and gutter, sidewalks and illumination. Included reconstruction of the existing intersection & signals on State Hwy 199 Project responsibilities included: (a) DTM site survey, R/W mapping and descriptions (b) Roadway design for additional lanes, sidewalk improvements, and storm water runoff (c) Traffic signals; temporary traffic control & staging plans, illumination (f) OBEC provided construction surveying


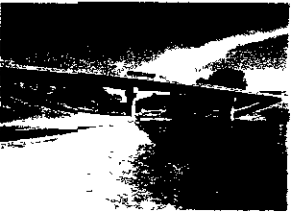


TABLE 10			Surveying & R/W (a)	Roadway (b)	Traffic (c)	Structures (d)	Environmental / PI (e)	Construction (f)	
Project Name, Client Reference, Duration and Performance									Project Description, Type & Size
HBRR Bridge Replacement		Beaver Slough (UPRR) Br., Coos County Larry Van Ellsberg, Roadmaster, 541.396 3121 PE Duration: 34 months Const. Cost: \$3.73M PE: \$218K CE: \$410K • Completed under budget • Met original schedule, CE extended for plant establishment	•	•	•	•	•	•	702' six span prestressed concrete girder bridge replacement across sensitive slough and wetlands. Project responsibilities included: (a) DTM site survey, R/W mapping and descriptions (b) Roadway design for approach road realignment, hydraulics, storm water and erosion control design (c) Traffic control plans including realignment staging and temporary traffic signals (d) PE & PS&E for a 702' six span precast prestressed concrete bridge (e) Environmental documentation and permit acquisition, including off-site mitigation (f) CE including construction inspection and contract administration
HBRR Bridge Replacement		S. Umpqua R. (Dillard) Br., Douglas County Kerry Werner, 541.440 4483 PE Duration: 27 months Const. Cost: \$3.73M PE: \$255K CE: \$329K • PE completed under budget, CE budget increased for added environmental work • Met original schedule	•	•	•	•	•	•	528', three-span (164'-200'-164'), segmental post-tensioned concrete girder bridge replacement. Project responsibilities included: (a) DTM site survey, R/W mapping and descriptions (b) Roadway design for approach roadwork including over 6' raise in grade, hydraulics, storm water and erosion control design (c) Traffic control plans including temporary detour bridge and roadway (d) PE & PS&E for a 528' three-span precast segmental concrete bridge w/haunched pier section (e) Environmental documentation and permit acquisition (f) CE including construction inspection and contract administration
OTIA Bridge Replacement	 Existing Bridge	West Valley View Bridge, Oak Street Bridge, and Dead Indian Memorial Bridge, Jackson County Mike Kuntz, 541.774.6228 PE Duration: 11 months Const. Cost: \$5.5M PE: \$720K CE: \$768K • PE completed under budget • Met original schedule	•	•	•	•	•	•	Project consists of replacing three bridges and related roadway improvements W. Valley View Br.: Three-span (198') precast box and slab bridge Oak St. Br.: Single-span (112') precast box bridge Emigrant Cr. Br.: Single-span (130') precast girder Project responsibilities included: (a) DTM site survey, R/W mapping and descriptions (b) Roadway design for approach roadwork including, hydraulics, storm water and erosion control design (c) Traffic control plans (d) PE & PS&E for three precast prestressed concrete bridge replacements (e) Environmental documentation and permit acquisition (f) OBEC is currently providing all CE including construction inspection and contract administration
Bridge Modernization		NW Maple Avenue Bridge, City of Redmond Chris Doty, Dir. Public Works 541.504.2015 PE Duration: 12 months Const. Cost: \$8.3M PE: \$440K CE: \$540K • Completed within budget • Met original schedule				•	•	•	Design of a new 3-span deck arch bridge arches that span the canyon floor with post-tensioned T-beam end spans Project responsibilities included: (d) PE & PS&E for a 780' three-span CIP concrete deck arch bridge w/post-tensioned T-beam end spans, pedestrian overlooks and accent rail lighting (e) Environmental documentation, permit acquisition and public involvement (f) OBEC is currently providing all CE including construction inspection and contract administration




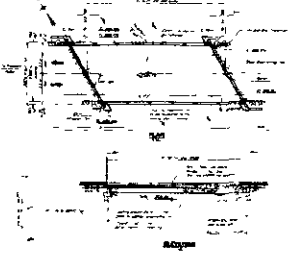
TABLE 10			Surveying & RW (a)	Roadway (b)	Traffic (c)	Structures (d)	Environmental / PI (e)	Construction (f)	Project Description, Type & Size
Project Name, Client Reference, Duration and Performance									
Roadway Modernization	 <p>Existing Roadway</p>	<p>South Century Drive – Oregon Forest Hwy., Western Federal Lands Highway Division Sajid Aftad, 360.619.7895</p> <p>PE Duration: 12 months Const. Cost: * PE: \$426K CE: *</p> <ul style="list-style-type: none"> • Phase 1 completed within budget • Met Phase 1 schedule * Not bid yet. Waiting for Phase 2 development. 	•	•	•		•		<p>Roadway improvements to 6.4 miles of South Century Drive The project consists of horizontal and vertical realignments to meet current standards</p> <p>(a) DTM site survey, RW mapping and descriptions</p> <p>(b) Roadway design for 6.4 miles of S. Century Drive including realignment to current standards, storm water and erosion control design, construction of a weir control structure, rocky wall, and upgrading of three trailhead parking areas. Work also includes preparation of final contract plans, SCRs, utility coordination and estimate</p> <p>(c) Traffic control plans</p> <p>(e) Environmental documentation and permit acquisition</p> <p>(f) Survey staking to be included in CE phase</p>
REGIONAL OBJECT PROJECTS									
HBRR Bridge Replacement		<p>Canyon Cr. (W. Izee) Br. City of Canyon City, Tammy Bremner, 541.575.0509</p> <p>PE Duration: 16 months Const. Cost: \$224K PE: \$88K CE: \$31K</p> <ul style="list-style-type: none"> • Completed within budget • Met original schedule 	•	•	•	•	•	•	<p>36' single-span prestressed concrete slab bridge with baluster rail and sidewalk, located adjacent to Hwy 395. Project responsibilities included</p> <p>(a) DTM site survey, RW mapping and descriptions</p> <p>(b) Roadway design for approach roadwork including, hydraulics, storm water and erosion control design</p> <p>(c) Traffic control plans</p> <p>(d) PE & PS&E for three precast prestressed concrete slab bridge replacement with classic rail</p> <p>(e) Environmental documentation and permit acquisition</p> <p>(f) CE including construction inspection and contract administration</p>
HBRR Bridge Replacement		<p>10th St – Eastgate (Pendleton) Section, City of Pendleton Tom Carman, 541.963.1360</p> <p>PE Duration: 21 months Const. Cost: \$8.1M PE: \$738K CE: \$107K</p> <ul style="list-style-type: none"> • Completed within budget. PE amended for waterline & sanitary sewer engineering services • Met original schedule 		•	•	•		•	<p>OCAPA Grand Award winning 735', 8-span prestressed concrete Bulb Tee girder bridge</p> <p>Project responsibilities included:</p> <p>(b) Roadway design for approach roadwork including roadway and intersection realignments, storm water and erosion control design</p> <p>(c) Traffic control plans, traffic staging design, traffic signal, signing and illumination plans</p> <p>(d) PE & PS&E for precast prestressed concrete girder bridge replacing a historic concrete viaduct. Classic architectural details incorporated into the MSE walls and piers, as well as ornamental railing and lighting</p> <p>(f) Construction assistance including submittal reviews and as-built drawings</p>
HBRR Bridge Replacement		<p>Pritchard Creek (Old US 30) Br., Baker County Rick Holden, 541.523.6417</p> <p>PE Duration 19 months Const. Cost \$330K PE \$104K CE: \$50K</p> <ul style="list-style-type: none"> • Completed within budget. PE amended for Section 106 documentation • Schedule delayed for HAER documentation requirements 	•	•	•	•	•	•	<p>72' single-span prestressed concrete slab bridge. Project length of 728' including roadwork. Project responsibilities included</p> <p>(a) DTM site survey, RW mapping and descriptions</p> <p>(b) Roadway design for approach roadwork including, hydraulics, storm water and erosion control design</p> <p>(c) Traffic control plans</p> <p>(d) PE & PS&E for 72' precast prestressed concrete slab bridge replacement of historic steel truss bridge</p> <p>(e) Environmental documentation and permit acquisition with extensive channel realignment and restoration</p> <p>(f) CE including construction inspection and contract administration</p>


TABLE 10			Surveying & RW (a)	Roadway (b)	Traffic (c)	Structures (d)	Environmental / PI (e)	Construction (f)	Project Description, Type & Size
Project Name, Client Reference, Duration and Performance									
HBRR Bridge Replacement		<p>Pine Creek (Pine Cr Rd.) Bridge, Harney County Tom Carman, 541.963 1360</p> <p>PE Duration: 12 months Const. Cost: \$332K PE: \$117K CE: \$60K</p> <ul style="list-style-type: none"> Completed under budget Met original schedule 	•	•	•	•	•	•	<p>71' single-span prestressed concrete slab bridge. Project length of 330' including roadwork. Project responsibilities included</p> <p>(a) DTM site survey, RW mapping and descriptions</p> <p>(b) Approach roadwork including, hydraulics, storm water and erosion control design</p> <p>(c) Traffic control plans</p> <p>(d) PE & PS&E for 71' precast prestressed slab bridge</p> <p>(e) Environmental documentation and permit acquisition</p> <p>(f) All CE services</p>

EXHIBIT A
STATEMENT OF WORK
Summer Creek (Murray Blvd.) Bridge
City of Beaverton, Oregon

Project Understanding

It is the intent of the City of Beaverton to provide an extension of S.W. Murray Boulevard from S.W. Scholls Ferry Road to S.W. Barrows Road at the intersection with S.W. Walnut Street. Polygon Northwest and MGH Associates have teamed to provide design and construction of the roadway section between S.W. Barrows Road to the edge of Summer Creek on the south end of the extension. This project section will connect the new south end construction with the existing roadway at S.W. Scholls Ferry Road via a new bridge crossing of Summer Creek. The new bridge and associated approach roadway will be funded by the City, with construction following the typical City competitive bid process. Some funding through ODOT may be available for this project, so project plans should meet ODOT guidelines.

The new bridge will consist of multiple-span prestressed concrete slabs installed on pile-supported foundations. The bridge will likely be 300 feet in length with an out-to-out width of 53'-6" to accommodate two 12-foot traffic lanes, two 5-foot shoulders, and two 8'-6" raised sidewalks. Modified sidewalk-mounted combination bridge rail and standard concrete impact panels will be provided. Roadwork including asphalt will likely extend up to 150 feet from each end of the bridge to match up with previously constructed roadway sections. Subgrade stabilization, including retaining walls at the bridge ends near the existing wetlands, will be a key factor addressed in the design process.

Right-of-way has been purchased for the chosen alignment and should be adequate for this project. Slope easements may be required at the bridge ends for embankment materials with the City acquiring those easements. Underground utilities will consist of one 8-inch waterline to be attached to the bridge, although provisions for conduit in the sidewalk will be provided for future utility needs. Electrical conduit will be provided for the new light poles on the bridge.

Environmental permitting, drainage design, and lighting design are being provided by MGH Associates. Light poles will be included in the bridge plans at the spacing developed by MGH.

Work Tasks to be Performed

Phase 1 – Design Engineering

This phase of the work will include all design engineering required for the new Summer Creek Bridge and the associated approach roadway construction.

Task 1 - Project Coordination

The major objectives of this task will be to establish the lines of communication and set forth the priorities between the City and OBEC; coordinate and attend meetings; and to make sure all contract document preparation is submitted and approved in a timely manner.

Task 2 - Site Survey/Mapping

Initial site surveys have been completed by MGH Associates. Consultant will review the survey data, install the data in our design software, and develop cross sections required to design the bridge and roadway. Additional field work will include verification of final roadway connection locations at each end of this project along with supplementing data around the new bridge abutments.

Task 3 - Environmental Documentation

This task will have been completed by MGH Associates prior to beginning this phase of the project. OBEC will review and include all "terms and conditions" from the approved permits in the project specifications. No other environmental work is anticipated.

Task 4 - Foundation Investigation

Preliminary geotechnical work was provided by GeoDesign, Inc. Attached is their proposal for additional geotechnical investigation of the bridge site. OBEC will work with GeoDesign during the design phase to develop the most cost-effective solutions for bridge foundations and retaining walls.

Task 5 – Hydraulic/Drainage Study

This task will involve review of the existing conditions for both hydraulics and surface drainage. MGH Associates will provide surface drainage design and stormwater detention facilities for this project. The stream hydraulic drainage area is small and no FEMA flood study is available, so the consultant will utilize appropriate information to develop flood flows. The following will be included in the preliminary report:

- Site Hydrology/Flood History Investigation
- Hydraulic Analysis
- Scour Analysis
- Hydraulic Report

Task 6 - Preliminary Structures/Roadway Analysis

OBEC prepared a Bridge Feasibility Report for Summer Creek Bridge on November 20, 2005. This task will involve reviewing those initial alternatives and supplementing with the new environmental and geotechnical information to present to the City the most cost-effective, readily constructible solution for this site. A preliminary report at approximately 30 percent design will be prepared and submitted to the City for review and approval. Structure types and costs as well as approach roadwork and costs conforming to AASHTO and City standard design policy, as applicable, will be addressed. Work items involved in this task include:

- Investigate one alternative structure type taking into account geometric, foundation, hydraulic, environmental, and structural requirements.
- Investigate approach roadway alignments to match existing section.
- Prepare overall plan and elevation drawings on 11"x17" sheets detailing bridge(s) and roadway alignment, typical sections, and unique construction.
- Prepare cost estimates.
- Prepare narrative report with discussion of advantages and disadvantages along with recommendations.
- Two copies of this report will be submitted to the City for review and approval.

Task 7 - Develop Final Plans

This task includes the preparation of detailed plans and profiles of the roadway improvement and the bridge structure. This task includes but is not necessarily limited to the following engineering services:

- Provide all plan drawings including title, summary, typical sections, grading plans, striping plans, temporary protection and direction of traffic, plan and profile, bridge details, drainage details, waterline hanger details, standard details, and other related drawings for submittal to the City for review as applicable.
- Perform independent design check and plan review of all drawings and related quantities.
- Prepare project specifications and special provisions utilizing Oregon Standard Specifications for Construction 2002.
- Furnish half-size plans for submittal to the City.
- Five copies of full-size drawings will be submitted for the site development permit process.
- Make corrections as required by City.
- Prepare final estimate of construction costs.

Task 8 - Preparation of Contract Documents/Bid Letting

This task includes the preparation of final City/ODOT specifications; preparing 30 sets of contract documents for bid letting; and answering prebid questions from contractors. OBEC will assist the City with bidding the project and make recommendations to the City for award.

Phase II – Construction Engineering

The construction phase of the project will involve all construction engineering and contract administration necessary to meet City standards. Work tasks typically include all project management, surveying, shop drawing review, construction inspection, and quality and quantity assurance documentation necessary for completion of the project. Specific work tasks conforming to Phase II – Construction Engineering will include the following:

Task 1 - Project Coordination

The major objective of this task is to establish the lines of communication and set forth the priorities between the City/consultant and contractor. As the work progresses, the objective will be to keep the City informed of the work progress and aware of changes affecting the scope of work and related costs. Immediately following the signed contract, a Preconstruction Conference will be scheduled for all appropriate participants.

Task 9 - Structures Engineering and Inspection

This task will involve all structural engineering and inspection required to ensure conformance of the bridge with the plans and specifications. The major elements of this task are listed below.

- Perform calculations needed for pile cutoffs, beam seat elevations and deck grades, and set up field books for pile driving and layout.
- Layout and reference bridge centerline and bridge bents and take original ground sections in areas to be excavated.
- Inspect all temporary protection and direction of traffic and signing.
- Inspect foundation excavations, retaining wall construction, and pile driving operations.

- Inspect placement of materials including concrete, reinforcement, prestressed elements, rail elements, and light poles.

Task 10 - Off-Site Engineering and Inspection

This task includes inspection of all precast prestressed concrete elements, steel members, or other materials incorporated into the project.

Task 11 - Grading Engineering and Inspection

This task will involve the required grading engineering and inspection needed to ensure conformance of the project with the plans and specifications. This task will involve the following:

- Provide survey control for the project.
- Inspect temporary protection and direction of traffic, and temporary signing.
- Inspect clearing and grubbing and excavation for subgrade suitability.
- Inspect removal of structures and obstructions.
- Inspect embankment and excavation.
- Inspect waterline pipe installations including trench bedding materials.
- Inspect erosion and sediment control measures.
- Inspect base rock material and placement.
- Inspect asphalt concrete (AC) material and placement.
- Inspect restoration site grading, planting and seeding material and placement.
- Inspect permanent striping and signing material and placement.

Task 12 – Review and Approval of Shop Drawings

This task primarily includes the review of details for bridge superstructure members, rebar, and rail system. Shop drawings are processed in a timely manner so as not to delay the contractor's operations.

Task 13 – General Documentation

The major objective of this and all documentation tasks is to ensure contractor performance of all phases of the project in accordance with the established guidelines of the City as applicable. General documentation includes daily diaries, general daily progress reports, monthly estimates, approving estimates for payment, calendar day charges, notification of commencement and completion dates, and subcontract submittals. This task will continue throughout the project.

Task 14 - Quality/Quantity Assurance Documentation

This task is an ongoing process. The objective is to ensure that all materials furnished and placed on the project conform with the project specifications including work related to fulfilling the quantity assurance portion of the project.

Task 15 - Change Orders and Extra Work

This task includes all work related to revisions or extra work during construction and includes price agreements, extra work orders, and time extensions.

Task 16 - Final Documentation

This task involves all work related to submitting the final estimate, final documentation, preparing "as-built" drawings (one set of full size mylars and one electronic copy in ACAD 2002), and certifying project completion.

AGENDA BILL

Beaverton City Council Beaverton, Oregon

SUBJECT: An Ordinance Amending Provisions of
Chapter Seven of the Beaverton City Code
Establishing Regulations on Payday
Lending.

FOR AGENDA OF: 06-19-06 **BILL NO:** 06114

Mayor's Approval: 

DEPARTMENT OF ORIGIN: City Attorney 

DATE SUBMITTED: 06-12-06

CLEARANCES: Finance 

PROCEEDING: First Reading.

EXHIBITS: Ordinance

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

HISTORICAL PERSPECTIVE:

The City of Beaverton currently has six payday loan businesses. Citizens have raised concerns that the operation of these businesses are detrimental to the financial security of individuals and families living in the City. Payday loan businesses can have an adverse impact on the most vulnerable members of our society such as the elderly, the poor, and recent immigrants.

INFORMATION FOR CONSIDERATION:

Payday loans are short term loans, typically for an initial term of 14 days or less, depending on the date of the borrower's next paycheck. Borrowers are charged a flat fee to obtain a payday loan and these fees amount to annual interest rates which exceed 500%. Usually, borrowers are required to repay the full loan in a single payment at the end of the 14 day term. When borrowers are unable to repay the full loan in a single payment, borrowers can either renew or default on the loan. To renew a loan, borrowers incur another fee, which again may exceed five hundred percent interest per annum. By the end of the state's statutory limit on the number of loan renewals, currently limited to three renewals, borrowers will pay fees that nearly equal the original amount borrowed and may not be able to repay the principal originally borrowed. Both the City of Portland and City of Gresham have adopted ordinances that add to state regulations by allowing borrowers to:

- *rescind their loans within a 24-hour period
- *repay at least 25% of their loans before rolling them over or renewing them and
- *repay their loan via installment plans if they roll over their loan more than three times

Several of the payday loan businesses filed a lawsuit in Multnomah County Circuit Court seeking declaratory judgment that state law preempts cities from adopting such regulations. Recently the Court decided against the industry and that decision was not appealed. Also, the Legislature adopted SB 1105. The operative provisions of this law are different from the provisions of the local government adopted ordinances. SB 1105 capped interest rates at 35% annually, limited fees to \$10 per \$100 borrowed, gave people 31 days to pay off their loan and limited rollover to two. The law will not go into effect until July 2007.

RECOMMENDED ACTION:

First Reading.

Agenda Bill No: 06114

AN ORDINANCE AMENDING PROVISIONS OF
CHAPTER SEVEN OF THE BEAVERTON CITY CODE
ESTABLISHING REGULATIONS ON PAYDAY LENDING

WHEREAS, Chapter Seven of the Beaverton Code provides for licensing and regulation of businesses operating in the City of Beaverton as Payday lenders previously have not been subject to regulatory licensing by the City of Beaverton; and,

WHEREAS, the Council finds that these businesses should be regulated by the City because certain payday lending practices have proven detrimental to the financial security of individuals and families residing in the City. Payday lending practices often have an unreasonably adverse effect upon the elderly, the economically disadvantaged and other residents of the City. Frequently, taking a payday loan puts borrowers in much worse financial shape than before they took the loan; and,

WHEREAS, payday loans are short-term loans, typically for an initial term of 14 days or less, coinciding with the borrower's next paycheck. Borrowers are charged a flat fee to obtain a payday loan. These fees amount to annual interest rates which exceed five hundred percent. Usually, borrowers are required to repay the full loan in a single payment at the end of the 14-day term. When borrowers are unable to repay the full loan in a single payment, borrowers can either renew or default on the loan. To renew a loan, borrowers incur another fee, which again may exceed five hundred percent interest per annum; and,

WHEREAS, the purpose of this ordinance is to require licensing for the purpose of regulating certain payday lending practices to minimize the detrimental effects of such practices on the citizens of the City by regulating payday lending practices occurring in the City, consistent with the laws of the State of Oregon; and,

WHEREAS, the need for local regulation is critical to protect the short and long-term financial security of working citizens struggling to lift their families out of poverty; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Chapter 7, Licenses, Permits and Business Regulations of the Beaverton Code is amended to establish "REGULATIONS ON PAYDAY LENDING," to be added at Sections BC 7.12.005 – 7.12.060, and shall read as follows:

"7.12.005 Purpose.

The City finds that, in order to minimize the detrimental effects that certain payday lending practices have on individuals and families, payday lenders should require payment of a portion of the original loan amount prior to the renewal of a payday loan, borrowers should be able to

rescind a payday loan, and borrowers should be able to convert a payday loan into a payment plan. This chapter shall be construed in conformity with the laws and regulations of the State of Oregon.

7.12.010 Definitions. For the purpose of this Ordinance, unless the context requires otherwise, the following mean:

Borrower - A natural person who receives a payday loan.

Cancel - To annul the payday loan agreement and, with respect to the payday loan agreement returning the borrower and the payday lender to their financial condition prior to the origination date of the payday loan.

Mayor - The City Mayor or designee.

Payday Lender - A lender in the business of making payday loans as defined by state law.

Payday Loan - A payday loan as defined by state law.

Principal - The original loan proceeds advanced for the benefit of the borrower in a payday loan excluding any fee or interest charge.

7.12.015 Permits.

Within 60 days of the effective date of this Ordinance, any Payday Lender operating in the City of Beaverton shall apply for and obtain a permit to operate as a Payday Lender. Permits shall be required for each location a lender operates in the City of Beaverton and shall be renewed annually. The application shall be in a form to be determined by the Mayor. The Mayor shall require the Payday Lender to report its fee schedule in the Payday Lender's permit application. No person shall operate a Payday lending business or loan any funds as a Payday Loan without a current permit to do business issued by the City of Beaverton. The amount of the fee shall be set by Council resolution.

7.12.020 Administrative Authority.

A. The Mayor is authorized and directed to enforce all provisions of this Ordinance. The Mayor shall have the power to investigate any and all complaints regarding alleged violations of this Ordinance. The Mayor may delegate any or all authority granted under this Section to a designee.

B. The Mayor is authorized to adopt and enforce rules interpreting and applying this Ordinance. The Mayor shall make written findings of fact and conclusions of law to support all decisions.

C. The City of Beaverton reserves the right to review and/or copy the records of any Payday Lender for purposes of auditing or complaint resolution. Such records shall be made available for inspection during normal business hours within 24 hours of written notice by the Mayor.

7.12.025 Cancellation of Payday Loan.

A. A Payday Lender shall cancel a Payday Loan without any charge to the Borrower if prior to the close of the business day following the day on which the Payday Loan originated, the Borrower:

1. Informs the Payday Lender in writing that the Borrower wishes to cancel the Payday Loan and any future payment obligations; and
2. Returns to the Payday Lender the uncashed check or proceeds given to the Borrower by the Payday Lender or cash in an amount equal to the principal amount of the Payday Loan.

B. A Payday Lender shall conspicuously disclose to each Borrower that the right to cancel a Payday Loan as described in this section is available to the Borrower. The Payday Lender shall disclose this requirement to the borrower in a minimum of bold 12 point type.

7.12.030 Renewals of Payday Loans

A Payday Lender shall not renew an existing payday loan more than two times.

7.12.035 Payment of Principal Prior to Payday Loan Renewal.

A Payday Lender may not renew a Payday Loan unless the Borrower has paid an amount equal to at least twenty-five percent (25%) of the principal of the original Payday Loan, plus interest on the remaining balance of the Payday Loan. The Payday Lender shall disclose this requirement to the Borrower in a minimum of bold 12 point type.

7.12.040 Payment Plan for a Payday Loan.

A. A Payday Lender and a Borrower may agree to a payment plan for a Payday Loan at any time.

B. A Payday Lender shall disclose to each Borrower that a payment plan described in this section is available to the Borrower after two renewals of the loan. The Payday Lender shall disclose this requirement to the Borrower in a minimum of bold 12 point type.

C. After a Payday Loan has been renewed twice, and prior to Payday Lender declaring a default on the Payday Loan, a Payday Lender shall allow a Borrower to convert the Borrower's Payday Loan into a payment plan. Each payment plan shall be in writing and acknowledged by both the Payday Lender and the Borrower.

D. The Payday Lender shall not assess any fee, interest charge or other charge to the Borrower as a result of converting the Payday Loan into a payment plan.

E. The payment plan shall provide for the payment of the total of payments due on the Payday Loan over a period of no fewer than 60 days in three or more payments. The Borrower may pay the total of payments due on the payment plan at any time. The Payday Lender may not assess any penalty, fee or other charge to the Borrower for prepayment of the payment plan.

F. A Payday Lender's violation of the terms of a payment plan entered into with a Borrower under this section constitutes a violation of this Ordinance. If a Payday Lender enters into a payment plan with a Borrower through a third party that is representing the Borrower, the Payday Lender's failure to comply with the terms of that payment plan constitutes a violation of this Ordinance.

7.12.045 Remedies.

A. Failure to comply with any part of this Chapter or the administrative rules may be punishable by civil penalties. The Mayor may impose a civil penalty of up to \$1,500.00 for a substantial violation of this Ordinance or the administrative rules. A substantial violation is a violation having an impact on the public, as determined by the Mayor, that informal compliance methods fail to resolve. Each substantial violation may be assessed a separate civil penalty.

B. Civil penalties shall be payable to the City of Beaverton.

C. Civil remedies. Nothing in this Section is intended to prevent any person from pursuing any available legal remedies.

D. No civil penalties shall be assessed within 60 days of the effective date of this Ordinance

7.12.050 Appeals.

Any person upon whom a civil penalty has been imposed, or who has been directed by the Mayor to resolve a complaint, may appeal by filing a notice of appeal with the Mayor. The City Council shall consider the appeal.

7.12.055 Complaints.

A. The Mayor shall have the authority to investigate any and all complaints alleging violation of this Ordinance or administrative rules.

B. The Mayor may receive complaints from Borrowers by telephone or in writing. Within a reasonable time, the Mayor shall forward the complaint by telephone or in writing to the Payday Lender it concerns for investigation.

C. The Payday Lender shall investigate the allegations of the complaint and report the results of the investigation and the proposed resolution of the complaint to the Mayor by telephone or in writing within two (2) business days from initial contact by the Mayor.

D. If the proposed resolution is satisfactory to the Mayor, the Payday Lender shall proceed to resolve the complaint directly with the Borrower according to the resolution proposed to the Mayor.

E. If the proposed resolution is not satisfactory to the Mayor, the Mayor shall conduct an independent investigation of the alleged complaint and propose an alternative resolution of the complaint. If the Payday Lender accepts the proposed alternative resolution and offers it to the Borrower, the complaint shall be final. If the Payday Lender refuses to accept and implement the proposed alternative resolution it shall be subject to remedies as provided in BC 7.12.030. In the event of imposition of remedies, the Payday Lender may appeal as provided in BC 7.12.035.

7.12.060 Severability.

If any provision of this Ordinance, or its application to any person or circumstance is declared invalid or unenforceable the remainder of the Ordinance and its application to other persons and circumstances, other than that which has been held invalid or unenforceable, shall not be affected, and the affected provision of the Ordinance shall be severed.”

First reading this ___ day of _____, 2006.

Passed by the Council this ___ day of _____, 2006.

Approved by the Mayor this ___ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

AGENDA BILL

Beaverton City Council Beaverton, Oregon

SUBJECT: An Ordinance Amending Comprehensive Plan Chapters 1, 2, and the Glossary (Ordinance No. 4187) Related to CPA 2006-0001

FOR AGENDA OF: 06/19/06 **BILL NO:** 06115

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 06/05/06

CLEARANCES: City Attorney 
Planning HB

PROCEEDING: First Reading

EXHIBITS: A. Proposed Ordinance and Exhibit A – Proposed Text
B. Planning Commission Final Order No. 1859 and Exhibit A showing recommended amendments

BUDGET IMPACT

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED \$0	BUDGETED \$0	REQUIRED \$0

HISTORICAL PERSPECTIVE:

The Comprehensive Plan Public Involvement and Procedures chapters were developed in 1995 in response to Periodic Review and Statewide Planning Goal 1. Since then, several amendments to various chapters resulted in amendments to definitions. Additionally, several definitions were changed in the Development Code. These actions resulted in some conflicting and confusing definitions.

In September 2002 and January 2005, Beaverton Development Code Chapter 50 Procedures were amended, specifically Type 3 and Type 4 processing and noticing requirements. These application procedures provide some of the requirements that Comprehensive Plan amendments must follow. The revised procedures resulted in inconsistencies between the procedures in the Comprehensive Plan and those in the Development Code. Additionally, in 1998 the state's voters approved Ballot Measure 56, which set notification timeframes for Comprehensive Plan amendments that differ from those set in the Comprehensive Plan. This proposed amendment eliminates those inconsistencies and updates Chapters 1, 2, and the Glossary.

The Planning Commission held a public hearing on March 15, 2006, heard testimony, and continued the item to April 5, 2006, in order to allow additional time for staff to respond to Commission comments and questions. On April 5, 2006, the Commission decided to continue amendment consideration to April 12. On April 12, 2006, the Commission discussed and decided on various changes to the original proposal and adopted the amendment as revised at the hearing and evidenced in the Staff Reports and Memorandums, and Commission's Order No. 1859 (Exhibit 2). Exhibit 1 contains the ordinance that embodies the Planning Commission Order. The ordinance is ready for the required readings.

INFORMATION FOR CONSIDERATION:

CPA 2006-0001 is proposed as an ordinance.

RECOMMENDED ACTION:

First Reading.

Exhibit A

Ordinance No. 4395
An Ordinance Amending
the Comprehensive Plan Chapters 1, 2, and the
Glossary (Ordinance No. 4187), Related to
CPA 2006-0001

WHEREAS, the purpose of the proposed amendment to the City of Beaverton's Comprehensive Plan Chapters 1, 2, and Glossary is to revise and update public involvement, amendment procedures, and definitions to be consistent with revised state law, Development Code procedures, and Development Code definitions; and

WHEREAS, the Planning Commission held a public hearing on March 15, April 5 and April 12, 2006, to consider CPA 2006-0001, consider comments, and take testimony; and

WHEREAS, on April 12, 2006, the Planning Commission recommended approval of the proposed CPA 2006-0001 application based upon the Staff Report dated February 13, 2006, for the March 15, 2006, Public Hearing, the Supplemental Staff Report dated March 15, 2006, and Staff Memoranda dated March 20, 2006, March 31, 2006, and April 12, 2006 that presented the final draft amendment, addressed approval criteria, and made findings that demonstrated that adoption of the proposed ordinance would comply with applicable approval criteria; and

WHEREAS, the final order was prepared memorializing the Planning Commission's decision and no appeal therefrom has been taken; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, Comprehensive Plan Chapters 1, 2, and the Glossary as amended and set forth in Exhibit A and incorporated herein by reference, is adopted.

Section 2. All Comprehensive Plan provisions adopted prior to this Ordinance which are not expressly amended herein shall remain in full force and effect.

Section 3. Severability. It shall be considered that it is the legislative intent, in the adoption of this Ordinance, that if any part of the ordinance should be determined by any tribunal of competent jurisdiction, i.e., the Land Use Board of Appeals or the Land Conservation and Development Commission, to be unconstitutional, contrary to other provision of law, or not acknowledged as in compliance with applicable statewide planning goals, the remaining parts of the ordinance shall remain in force and acknowledged unless: (1) the tribunal determines that the remaining parts are so essential and inseparably connected with and dependent upon the unconstitutional or unacknowledged part that it is apparent the remaining parts would not have been enacted without the unconstitutional or unacknowledged part; or (2) the remaining parts, standing

alone, are incomplete and incapable of being executed in accordance with legislative intent.

First reading this ____ day of _____, 2006.

Passed by the Council this ____ day of _____, 2006.

Approved by the Mayor this ____ day of _____, 2006.

ATTEST:

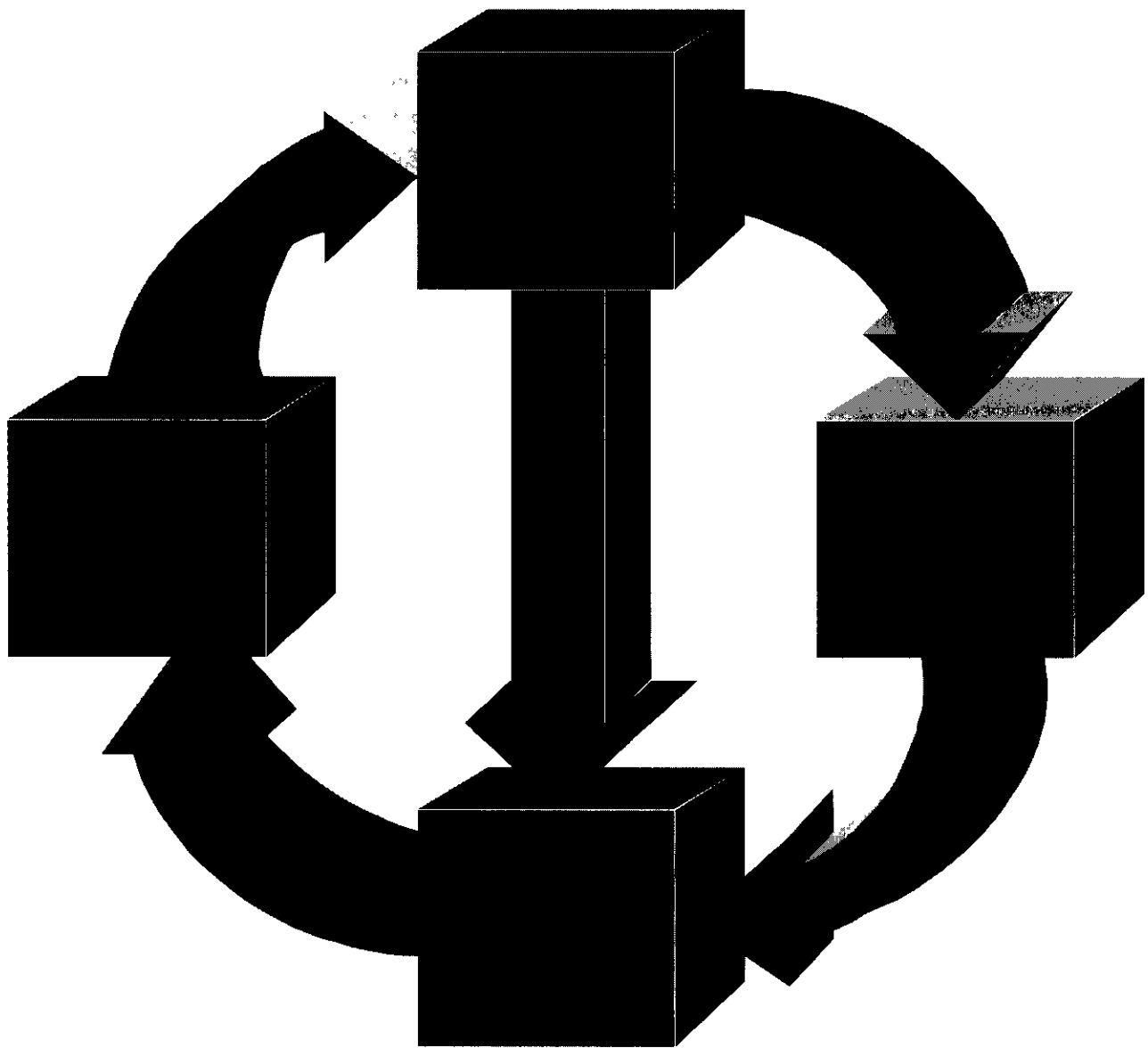
APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

Ordinance No. _____

CHAPTER ONE: COMPREHENSIVE PLAN AMENDMENT PROCEDURES ELEMENT



COMPREHENSIVE PLAN AMENDMENT PROCEDURES

1.1 AMENDMENT INITIATION.

Amendments to the Comprehensive Plan may be initiated by City Council, the Planning Commission, the Mayor, the Community Development Director, or the Public Works Director at any time. Landowners may also initiate an amendment to the Land Use Map pertaining only to their property at any time.

1.1.1 City-initiated Amendments

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing or City Council consideration. The Planning Commission and City Council have the right to accept, reject or modify any specific request for amendment in accordance with the City's policies and procedures. The Planning Commission or City Council may enlarge or reduce the geographic area of proposed map amendments, investigate alternative land use designations to those requested, or combine the request with other City-initiated amendments for comprehensive study and determination. If the decision to modify a requested amendment is made after public hearing notice has been provided, the notice shall be reissued and, if necessary, the hearing rescheduled.

1.1.2 Property Owner-initiated Amendments

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing. The Planning Commission and City Council reserve the right to approve, approve with conditions, or deny any specific request for amendment in accordance with the City's policies and procedures.

1.1.3 Amendment Processing

Proposed amendments shall be processed as expeditiously as possible, subject to the availability of staff and budgetary resources and project priorities set by the Mayor. Amendments shall be processed in compliance with the procedures established by this Plan as well as Oregon Revised Statutes, Oregon Administrative Rules, Metro Code, the City Charter, and City Ordinances. Property owner-initiated amendments should be processed in the order in which they are submitted and accepted as complete, but the City Council may, by resolution, postpone processing proposed amendments to accelerate processing other amendments to which they give a higher priority.

1.2 PERIODIC REVIEW

Periodic Review amendments are subject to a Land Conservation and Development Commission (LCDC) approved work program and follow separate notice procedures outlined in the Oregon Revised Statutes and Oregon Administrative Rules governing Periodic Review.

1.3 AMENDMENT PROCEDURAL CATEGORIES

Comprehensive Plan Amendments fall into five general categories: Legislative, Quasi-Judicial, Historic Landmark, District and Tree designation removal, Non-Discretionary, and Statewide

Planning Goal 5 Inventory Document Amendments.

Legislative Amendments are amendments to the Comprehensive Plan text or map of a generalized nature initiated by the City that applies to an entire land use map category or a large number of individuals or properties or that establishes or modifies policy or procedure. Legislative amendments include additions or deletions of text or land use map categories.

Quasi-Judicial Amendments are amendments to a Land Use Map designation as it applies to specific parcels or that applies to a small number of individuals or properties or locations.

Historic Landmark, District or Tree Designation Removal are amendments, requested from the property owner, to remove said designation pursuant to ORS 197.772. Upon receipt of a letter request to remove said designation, the Community Development Director shall issue a letter removing said designation based on ORS 197.772 and shall cause such letter to be mailed to the property owner and the property owners within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the subject property.

Non-Discretionary Amendments are amendments to the Comprehensive Plan Land Use Map to add an annexed property, or properties, to the Map with a Land Use Map designation assigned through direct application of the Washington County-Beaverton Urban Planning Area Agreement (UPAA). The County land use classification(s) remain in effect under provisions of Oregon Revised Statutes (ORS 197.175(1) and ORS 215.130(2)(a)) until the City acts to implement its own Comprehensive Plan Land Use designation(s) for the annexed territory.

The UPAA requires the City to assign a particular, or most similar, City Comprehensive Plan Land Use designation to the annexed property based on the Washington County designation. Exhibit “B” of the UPAA contains a chart describing a one-to-one relationship between County and City land use designations. The UPAA and the chart referenced as Exhibit “B” is found within Chapter 3 of the Comprehensive Plan in Section 3.15. Where UPAA Exhibit “B” provides a one-to-one relationship and the annexed property is **not** subject to any special policies within the applicable Washington County Community Plan, the decision to apply a specific Land Use Map designation is made under land use standards that do not require interpretation or the exercise of policy or legal judgement. Consequently, the decision is not a land use decision as defined by Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

Statewide Planning Goal 5 Inventory Resource Document Amendments are amendments to Volume III of the Comprehensive Plan. Amendments may be legislative, such as periodic review, or annual updates to maps, or quasi-judicial. Updates to the Significant Natural Resources Map (Local Wetland Inventory Map) incorporating changes approved by the Department of State Lands are non-discretionary map amendments the public notice, decision-making and appeal of the decision occurs when the Division of State Lands approves the wetland delineation and fill or removal permit (OAR 141-086-005 through OAR 141-090-0230, OAR 141-085-0018, OAR 141-085-0025, OAR 141-085-0028, OAR 141-085-0029, OAR 141-085-0031, OAR 141-085-0066, ORS 227.350 (2), and ORS 196.600 to 196.990). As noted under Non-Discretionary Amendments above, when no discretion is exercised, the decision is not a

land use decision under Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

1.4 NOTICE REQUIREMENTS

The claim of a person to have not received notice, who may be entitled to notice as provided in this section, shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was given.

If the Community Development Director or City Council determine that the proposed amendment substantially changes from the proposal described in the initial notice, then notice is required to be sent again as described in the appropriate subsection with specific notation that the proposal has changed and that a new hearing will be held on the matter.

1.4.1 Legislative Amendments.

A. Notice of the initial hearing shall be provided as follows:

1. By mailing the required inter-agency Department of Land Conservation and Development (DLCD) notice to DLCD, Metro, the Beaverton Neighborhood Office and the Chair of the Committee for Citizen Involvement (CCI) at least forty-five (45) calendar days prior to the initial hearing. When the legislative amendment is required through Periodic Review, DLCD notice is not required, therefore, it is not provided.
2. Mail notice to owners of property within the City for which the proposed ordinance, if adopted, may in the Director's opinion affect the permissible uses of land
 - a) The most recent property tax assessment roll of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.
 - b) If a person owns more than one property that could be affected by the proposed ordinance if adopted, the Director may mail that person only one notice of the hearing.
3. By publication of a notice with the information specified in subsection 1.4.1 (B)(1), (2), and (3) in a newspaper of general circulation within the City; and
4. By posting a notice with the applicable information specified in subsection 1.4.1 (B) at Beaverton City Hall and the Beaverton City Library; and
5. By placing a notice with the applicable information specified in subsection 1.4.1 (B) on the City's website.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing Notices required by numbers 2 through 5 of this subsection, shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

B. Mailed notice required in subsection 1.4.1 (A) (2), posted notice required in subsection 1.4.1 (A) (4), and web notice required in subsection 1.4.1 (A) 5 shall:

1. State the date, time and location of the hearing, and the hearings body;
 2. Explain the nature and purpose of the hearing;
 3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
 4. List the applicable approval criteria by Comprehensive Plan by section numbers that apply to the application at issue;
 5. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost and include the days, times and location where available for inspection;
 6. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
 7. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue; and
 8. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.
- C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).
- D. Notice of remand hearings, whether they be the entire legislative amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission, shall be given following subsections 1.4.1 (A) and 1.4.1 (B) with the following additional information:
1. The deadline for submitting written testimony and the place it is to be submitted;
 2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
 3. The scope of the testimony; and
 4. Whether the testimony is de novo or limited to the record and whether it must be submitted in writing or whether oral testimony will be allowed.

The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

1.4.2 Quasi-Judicial Amendments

- A. Notice of the initial hearing shall be provided as follows:
1. By mailing the required inter-agency DLCD notice to DLCD, Metro, the Beaverton Neighborhood Office and the CCI Chair at least forty-five (45) calendar days prior to the initial hearing.
 2. By publication of a notice with the information specified in 1.4.2 (B) (1), (2), (3) and (4) in a newspaper of general circulation within the City; and
 3. By posting notice with the information specified in 1.4.2 (B) at Beaverton City Hall and the Beaverton City Library; and
 4. By mailing notice with the information specified in 1.4.2 (B) to property owners

included in the proposed change area, if applicable, and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated; and

5. By mailing notice with the information specified in 1.4.2 (B) to any City-recognized Neighborhood Association Committee (NAC) or County-recognized Citizen Participation Organization (CPO) whose boundaries include the property for which the change is contemplated; and
6. By placing notice with the information specified in 1.4.2 (B) on the City's web site.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing notices required by numbers 2 through 6 of this subsection shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

B. Mailed notice required in subsection 1.4.2 (A) (4) and (5) shall:

1. Explain the nature of the application and the use or uses, which could be authorized;
2. Set forth the street address or other easily understood geographical reference to the subject property and include a map, if applicable;
3. State the date, time, and location of the hearing, and the hearings body;
4. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
5. List the applicable criteria from the Comprehensive Plan by section number that apply to the application at issue;
6. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue;
7. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
8. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
9. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost include the days, times and location where available for inspection; and
10. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.

C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).

D. Notice of remand hearings, whether for the entire quasi-judicial amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission shall be given following subsection 1.4.2 (A) and 1.4.2

(B) with the following additions:

1. Any deadline for submitting written testimony and the place it is to be submitted;
2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
3. The scope of the testimony; and
4. Whether the testimony is limited to the record or de novo and whether it must be submitted in writing or whether oral testimony will be allowed.
5. The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

1.4.3 Non-Discretionary Map Amendments

A. Notice for Non-Discretionary Map Amendments shall be provided as follows:

1. By publication of a notice with the information specified in 1.4.3 (B) (1), (2) and (3) in a newspaper of general circulation within the City,; and
2. By mailing notice with the information specified in 1.4.3 (B) to the Beaverton Neighborhood Office, Chair of the Committee for Citizen Involvement (CCI), NAC, CPO and owners of record of the subject property on the most recent property tax assessment roll; and
3. By placing notice with the information specified in 1.4.3 (B) on the City's web site..

All notices required by 1. through 3. of this subsection (A) shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date the item initially appears on the City Council agenda.

B. Notice required by subsection 1.4.3.(A) shall:

1. Explain the nature of the application;
2. Set forth the street address or other easily understood geographical reference to the subject property, including a map;
3. State the time, date, place, and purpose of the City Council agenda item;
4. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
5. Include the name and phone number of the City staff person assigned to the application from who additional information may be obtained;
6. List the applicable criteria from the Comprehensive Plan and State Law that apply to the application at issue;
7. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost at least seven (7) calendar days prior to the City Council meeting and will be provided at reasonable cost and include the days, times and location where available for inspection;

C. Notice of Decision for Non-Discretionary Map Amendments

Within five working days after the City Council decision on a Non-Discretionary Map

Amendment, notice of the decision shall be mailed to the owner of record, DLCD, the Beaverton Neighborhood Office and the Chairperson of the Committee for Citizen Involvement (CCI). The notice of decision shall include the following:

1. A statement that the decision is final but may be appealed in a court of competent jurisdiction, and
2. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case.

1.4.4 Statewide Planning Goal 5 Inventory Resource Document (Volume III) Amendments

- A. If the proposal is legislative in nature, as in an update to one of the Statewide Planning Goal 5 Inventory Resource Documents or an addition of a new category of Statewide Planning Goal 5 Inventory Resource Documents, then notice shall follow the legislative notice procedure identified under subsection 1.4.1.
- B. If the proposal is quasi-judicial in nature, as in a change on one property or a limited group of properties, the notice shall follow the quasi-judicial notice procedure under subsection 1.4.2..
- C. If the proposal is to update the Local Wetland Inventory map of the Significant Natural Resource maps based on approvals of wetland delineations or fill or removal permits issued by the Oregon Department of State Lands, the amendment shall be deemed non-discretionary and shall be updated administratively by City Council ordinance adoption, following the Non-Discretionary Map Amendment procedure under 1.4.3.

1.5 CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN

The adoption by the City Council of any amendment to the Plan shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may incorporate by reference facts, findings, reasons, and conclusions proposed by the City staff or others into their decision.

1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments

- A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules; and
- B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan; and
- C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and
- D. If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.

1.5.2 Criteria for Non-Discretionary Map Amendments

A. Annexation-Related

Discretion occurs when the Washington County-Beaverton Urban Planning Area Agreement (UPAA) is adopted or amended by the County and the City. The UPAA provides specific City-County Land Use Designation Equivalents. Specifically, the UPAA states in Section II (D) "Upon annexation, the city agrees to convert County plan and zoning designations to City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations. Such conversion shall be made according to the tables shown on Exhibit "B" to this agreement." Consequently, when the conversion from County to City designation is shown on Exhibit B, the City has no discretion.

B. Statewide Planning Goal 5

The Department of State Lands (DSL) and the US Army Corps of Engineers (COE) exercise discretion when these agencies approve wetland delineations and fill/removal permits (OAR 141-085, ORS 227.350, and ORS 196.600 to 196.990). Because the decision is made by another agency, acknowledging the locations of the delineated wetlands and fill/removal activities on the City's Local Wetland Inventory map involves no discretion.

1.5.3 Criteria for Statewide Planning Goal 5 Inventory Resource Document (Volume III) Comprehensive Plan Amendments

A. Local Wetland Inventory Amendments require following the criteria for adoption of a local wetland inventory found within Oregon Revised Statutes and Oregon Administrative Rules (as of November 2004, ORS 196 and OAR 141-086 and OAR 660-023).

B Criteria for Addition of Historic Landmarks and Districts

To qualify as a historic landmark or district, the proposal must meet criterion 1 and at least one factor listed as criteria 2 through 5:

1. Conforms with the purposes of the Beaverton Comprehensive Plan; and
2. The proposed landmark or district is associated with natural history, historic people, or with important events in national, state, or local history; or
3. The proposed landmark or district embodies the distinguishing characteristics of an architecture inherently valuable for a study of a period, style, or method of construction; or
4. The proposed landmark is a notable work of a master builder, designer, or architect; or
5. The proposed landmark or district would serve one or more of the following purposes:
 - a) To preserve, enhance, and perpetuate landmarks and districts representing or reflecting elements of the City's cultural, social, economic, political, and architectural history;
 - b) To safeguard the City's historic, aesthetic, and cultural heritage as embodied and reflected in said landmarks and districts;

- c) To complement any National Register properties or Historic Districts;
- d) To stabilize and improve property values in such districts;
- e) To foster civic pride in the beauty and accomplishments of the past;
- f) To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- g) To strengthen the economy of the City; and
- h) To promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing, and public welfare of the City's current and future citizens.

C. Criteria for Adding Historic Trees

The adoption by City Council and Planning Commission of any amendment to add a historic tree to the Historic Tree Inventory shall be based on the following criteria:

- 1. Conforms with applicable goals and policies of the Beaverton Comprehensive Plan; and
- 2. The proposed historic tree designation is requested by the property owner as determined by the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation; and
- 3. The proposed historic tree is associated with historic properties, historic people, or with important events in national, state, or local history, or general growth and development of the city.

1.6 HEARINGS PROCEDURES

Before the City Council may adopt any amendment to the Comprehensive Plan, the procedures within this section shall be followed. In the case of Non-Discretionary amendments, no hearing will be held. Consideration of the proposal shall be placed on the City Council Agenda for adoption by ordinance.

- 1.6.1. After appropriate notice is given, as provided in section 1.4 the Planning Commission or City Council shall hold a public hearing on the amendment, except for Non-Discretionary amendments.
 - A. At the beginning of the hearing an announcement shall be made to those in attendance that:
 - 1. States the applicable approval criteria by Comprehensive Plan section number.
 - 2. States testimony, arguments and evidence must be directed toward the applicable criteria.
 - 3. States failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the Planning Commission or City Council and the parties an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue.
 - 4. States failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to

- respond to the issue may preclude an action for damages in circuit court.
5. If a quasi-judicial application, states the Planning Commission and City Council must be impartial and that members of the Planning Commission and City Council shall not have any bias or personal or business interest in the outcome of the application.
 - a) Prior to the receipt of any testimony, members of the Planning Commission or City Council must announce any ex parte contacts. The Planning Commission or City Council shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest or ex parte contacts.
 - b) If any member of the Planning Commission or City Council has visited the site (if applicable), they should describe generally what was observed.
 6. Summarizes the procedure of the hearing.
 7. States that the hearing shall be recorded on audio only or audio and video tape.
 8. States any time limits for testimony set by the Planning Commission or City Council at the beginning of the hearing.
- B. After the aforementioned announcements, the Chair or Mayor shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.
 - C. After the presentation of the staff report, the Chair or Mayor shall call for the applicant's testimony, if the City is not the applicant.
 - D. After the applicant's testimony, the Chair or Mayor shall call for other evidence or testimony in the following sequence unless the Planning Commission or City Council consents to amend the sequence of testimony:
 1. First, evidence or testimony in support of the application.
 2. Second, evidence or testimony in opposition to the application.
 3. Third, evidence or testimony that is neither in support nor in opposition to the application.
 - E. If the City is not the applicant, the Chair or Mayor shall call for rebuttal by the applicant. Rebuttal testimony shall be limited to the scope of the issues raised by evidence and arguments submitted into the record by persons in opposition to the application. Should the applicant submit new evidence in aid of rebuttal, the Chair or Mayor shall allow any person to respond to such new evidence, and provide for final rebuttal by the applicant.
 - F. The Chair or Mayor shall offer staff an opportunity to make final comments and answer questions.
 - G. Provisions for holding a record open or continuing a hearing set forth in Oregon Revised Statutes (ORS 197.763 (6)) shall apply to this Chapter of the Comprehensive Plan, in accordance with the statute.
- 1.6.2. Following the conclusion of the hearing, the Planning Commission shall take one of the following actions:
- A. Continue the hearing to a date, time and location certain, which shall be announced by the Chair. Notice of date, time, and location certain of the continued hearing is not required to be mailed, published or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
 - B. Deny the application, approve the application, or approve the application with conditions.
 1. If the Planning Commission proposes to deny, approve, or approve with conditions,

the Planning Commission shall announce a brief summary of the basis for the decision and that an order shall be issued as described in 1.7; provided, the proceedings may be continued for the purpose of considering such order without taking new testimony or evidence.

2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763(6) shall apply under this Ordinance in a manner consistent with state law.
3. If the Planning Commission proposes to approve, or approve with conditions, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.
4. In conjunction with their adoption of an ordinance approving or approving with conditions a Comprehensive Plan Amendment, the City Council shall adopt written findings which demonstrate that the approval complies with applicable approval criteria.

1.7. FINAL ADOPTION AND APPEALS

1.7.1 Final Order

- A. The written decision in the form of a final order shall be prepared regarding the application. The final order shall include:
 1. A listing of the applicable approval criteria by Comprehensive Plan section number.
 2. A statement or summary of the facts upon which the Planning Commission or City Council relies to find the application does or does not comply with each applicable approval criterion and to justify any conditions of approval. The Planning Commission or City Council may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the final order to satisfy this requirement.
 3. A statement of conclusions based on the facts and findings.
 4. A decision to deny or to approve the application and, if approved, any conditions of approval necessary to ensure compliance with applicable criteria.
- B. Within five (5) working days after the Final Decision (City Council Ordinance or Final Order adoption), mail the required DLCD Notice of Adoption to DLCD, pursuant to ORS 197.610 and OAR Chapter 660- Division 18.
- C. Within five (5) calendar days from the date that the Planning Commission or City Council adopts a final order, the Community Development Director shall cause the order to be signed, dated, and mailed to the applicant, the property owner, the Neighborhood Association Committee or County Participation Organization in which the subject property is located, and other persons who appeared orally or in writing before the public record closed. The final order shall be accompanied by a written notice which shall include the following information:
 1. In the case of a Planning Commission decision, a statement that the Planning Commission decision can be appealed to the City Council following the procedures listed in 1.7.2. The appeal date and the statement that the appeal must be filed within ten (10) calendar days after the date of the signed notice is dated and mailed shall be placed on the notice, with the appeal closing date shown in boldface type. The statement shall generally describe the requirements for filing an appeal and include the name, address and phone number of the Community Development Director.

2. In the case of a City Council decision, a statement that the decision is final, but may be appealed to the Land Use Board of Appeals as provided in Oregon Revised Statutes (ORS 197.805 through 197.860) or to the Land Conservation and Development Commission as provided in Oregon Revised Statutes (ORS 197.633), in the case of Periodic Review Amendments.
3. A statement indicating the Amendment application number, date, and brief summary of the decision. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the proposal.
4. A statement of the name and address of the applicant.
5. If applicable, an easily understood geographic reference to the subject property and a map.

1.7.2 Notice of Intent to Appeal

- A. The Planning Commission decision may be appealed to the City Council only by the applicant, a person whose name appears on the application, or any person who appeared before the Planning Commission either orally or in writing. An appeal shall be made by filing a Notice of Intent to Appeal with the Community Development Director and within ten (10) calendar days after the signed written order was dated and mailed.
- B. A notice of Intent to Appeal shall be in writing and shall contain:
 1. A reference to the application number and date of the Planning Commission order;
 2. A statement that demonstrates the appellant is the applicant or their representative, a person whose name appears on the application, or a person who appeared before the Planning Commission either orally or in writing;
 3. The name, address, and signature of the appellant or the appellant's representative;
 4. An appeal fee, as established by Council resolution; if more than one person files an appeal on a specific decision, the appeals shall be consolidated and the appeal fee shall be divided equally among the multiple appellants; and
 5. A discussion of the specific issues raised for Council's consideration and specific reasons why the appellant contends that the Planning Commission's findings and/or recommendation is incorrect or not in conformance with applicable criteria.
- C. The Community Development Director shall reject the appeal if it
 1. is not filed within the ten (10) day appeal period set forth in subsection A of this section,
 2. is not filed in the form required by subsection B of this section, or
 3. does not include the filing fee required by subsection B of this section.

If the Community Development Director rejects the appeal, the Community Development Director will so notify the appellant by letter. This letter shall include a brief explanation of the reason why the Community Development Director rejects the appeal. A decision of the Community Development Director to reject an appeal pursuant to this section is a final City decision as of the date of the letter and is not subject to appeal to the City Council. The appellant shall be allowed to correct a failure to comply with subsection B of this section if the correction can be made and is made within the 10 day appeal period provided in subsection A of this section.

- D. If a Notice of Intent to Appeal is not filed, or is rejected, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.

If the application is denied, the City Council will adopt a final order which sets forth its decision together with any reasons therefor. The Council's final order or the ordinance is the final decision of the City on the application. Notice of the decision shall be given as provided in 1.7.1.

- E. Notwithstanding the provisions of this section, City Council on its own motion, may order a public hearing before the City Council at any time prior to adopting a Council final order or ordinance.

1.7.3 Notice of Appeal Hearing

- A. Written notice of the appeal hearing before the City Council will be sent

1. by regular mail,
2. no later than twenty (20) days prior to the date of the hearing
3. to the appellant, the property owner, the applicant, if different from the appellant, persons whose names appear on the application, and all persons who previously testified either orally or in writing before the Planning Commission.

- B. Notice of the hearing shall:

1. Reference the CPA file number or numbers and the appeal number;
2. Set forth the street address or other easily understood geographical reference to the subject property, if applicable;
3. State the date, time and location of the hearing;
4. State that an appeal has been filed, set forth the name of the appellant or appellants and contain a brief description of the reasons for appeal;
5. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
6. State that a copy of the Planning Commission's written order, the application, all documents and evidence contained in the record, and the applicable criteria are available for inspection at no cost and can be provided at reasonable cost including the days, times and location where available for inspection; and
7. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.

1.7.4 Preparation of the Record; Staff Report; Transcript

- A. Following receipt of a Notice of Intent to Appeal filed in compliance with 1.7.2, the Community Development Department Director shall prepare a record for Council review containing:

1. All staff reports and memoranda prepared regarding the application that were presented to the Planning Commission;
2. Minutes of the Planning Commission proceedings at which the application was considered;

3. All written testimony and all exhibits, maps documents or other written materials presented to and or rejected by the Planning Commission during the proceedings on the application; and
 4. the Planning Commission's Final written order.
 5. The appellant may request, and the City Council may allow, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission public hearing. If such a request is made and granted, a transcript of the Planning Commission proceeding is required. The appellant shall remit a fee to cover the cost fo the transcript of the Planning Commission hearing within five (5) calendar days after the Community Development Director estimates the cost of the transcript. Within ten (10) calendar days of notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. In the event that the Council denies the request for an on the record appeal hearing, and holds a de novo hearing, the transcript fee may be refunded. If the transcription fee estimate exceeds the transcription cost, the balance shall be refunded to the appellant.
- B. The Community Development Department Director shall prepare a staff report on the appeal explaining the basis for the Planning Commission's decision as relates to the reason for appeal set forth in the Notice of Intent to Appeal, and such other matters relating to the appeal as the Director deems appropriate.

1.7.5 Scope of Review

- A. The City Council appeal hearing shall be de novo, which means any new evidence and argument can be introduced in writing, orally, or both. The City Council may allow, at the appellant's request, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission hearing.
- B. The Council may take official notice of and may consider in determining the matter any material which may be judicially noticed pursuant to the Oregon Rules of Evidence, ORS 40.060 through 40.090, including an ordinance, comprehensive plan, resolution, order, written policy or other enactment of the City.
- C. Preliminary Decision.

At the conclusion of deliberations, the Council shall make a preliminary oral decision. The Council may affirm, reverse or modify the Planning Commission's order in whole or in part, or may remand the decision back to the Planning Commission for additional consideration. (Procedures for noticing a remand hearing are found in sections 1.4.1 (D) and 1.4.2 (D).) The preliminary oral decision is not a final decision. At any time prior to adoption of the final order or Ordinance pursuant to subsection D of this section, the Council may modify its decision based upon the record or may reopen the hearing.

- D. Final Order or Ordinance

In the case of a denial, the City Council shall direct staff to prepare a final order or in the case of approval, the Council shall cause the preparation of an Ordinance. The Ordinance or final order shall consist of a brief statement explaining the criteria and standards considered relevant, stating the facts relied on in rendering the decision, and explaining

the justification for the decision based upon the criteria and facts set forth. The final order, or Ordinance, is the final decision on the application and the date of the order, or Ordinance, for purposes of appeal is the date on which it is signed by the Mayor.

Procedures for preparation of the Final Order, Ordinance and distribution of the Notice of Decision are found in section 1.7.

The following diagrams, Diagram I-1 through I-4, are intended for illustrative purposes only and are not adopted as procedural requirements within this ordinance. Thus, periodic updates to Diagrams I-1 through I-4 will not require a Comprehensive Plan Amendment.

Diagram I-1
Legislative Comprehensive Plan Amendments

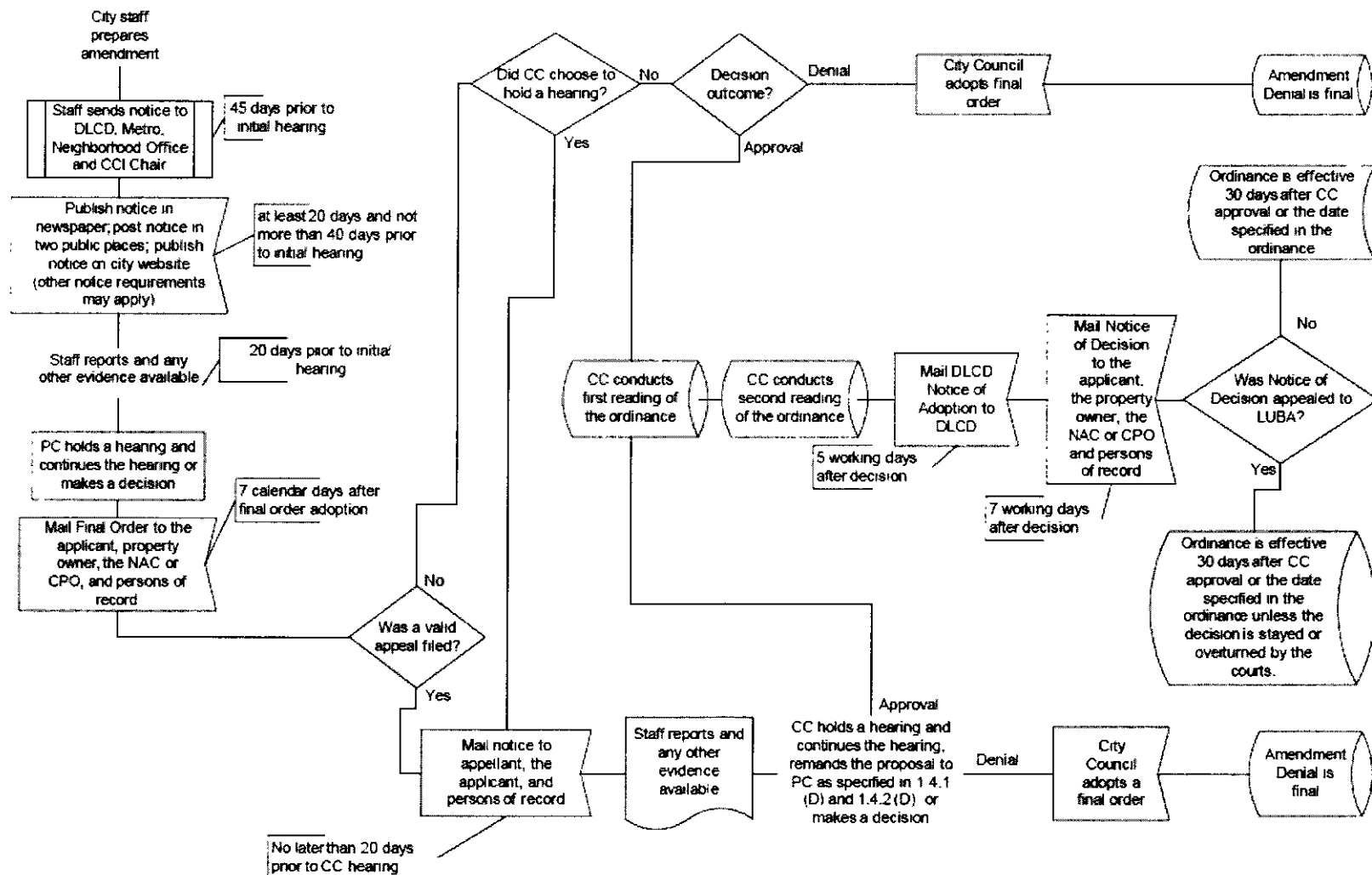


Diagram I-2
Quasi-Judicial Comprehensive Plan Amendments

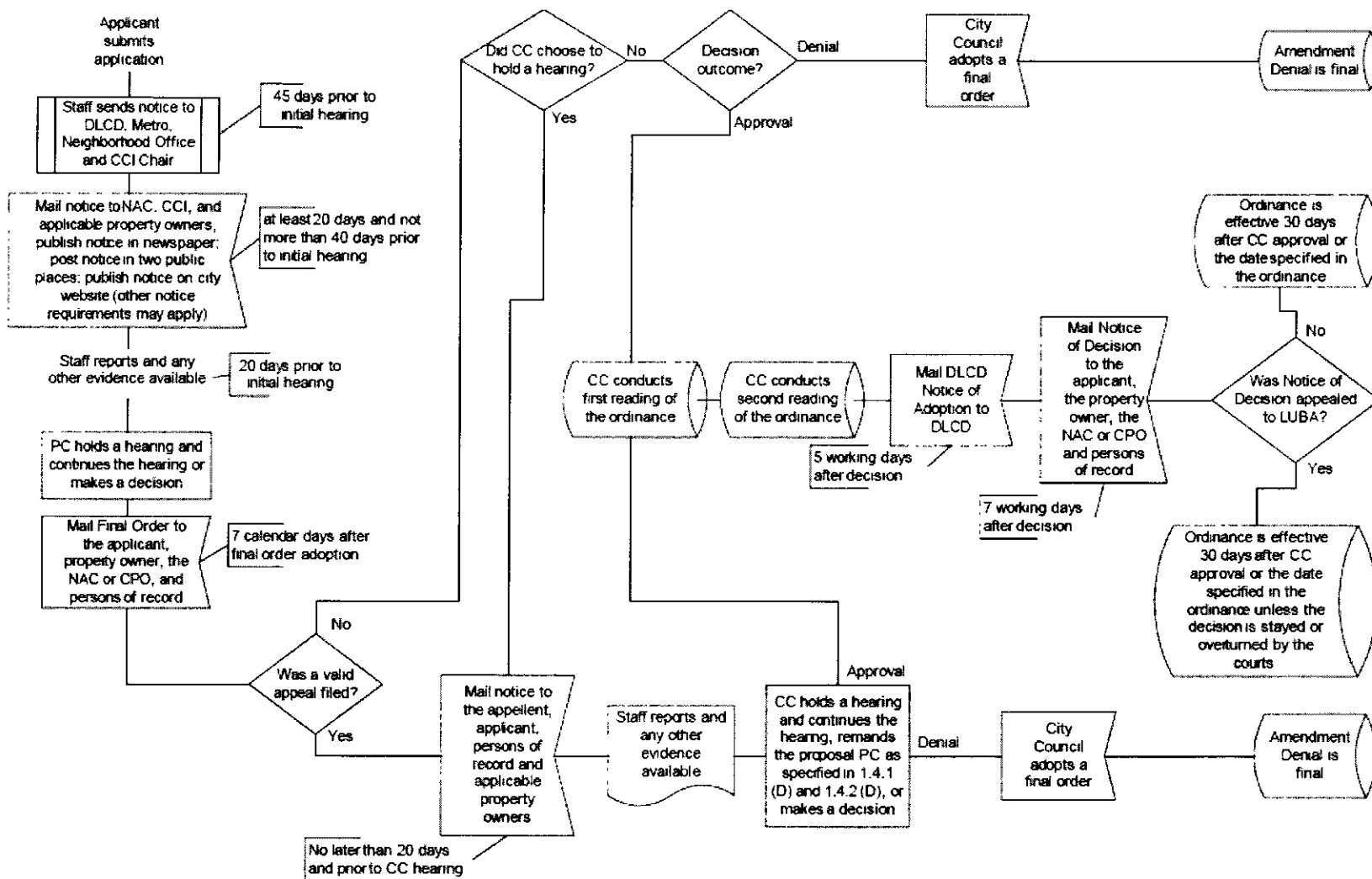


Diagram I-3
Non-Discretionary Map Comprehensive Plan Amendments

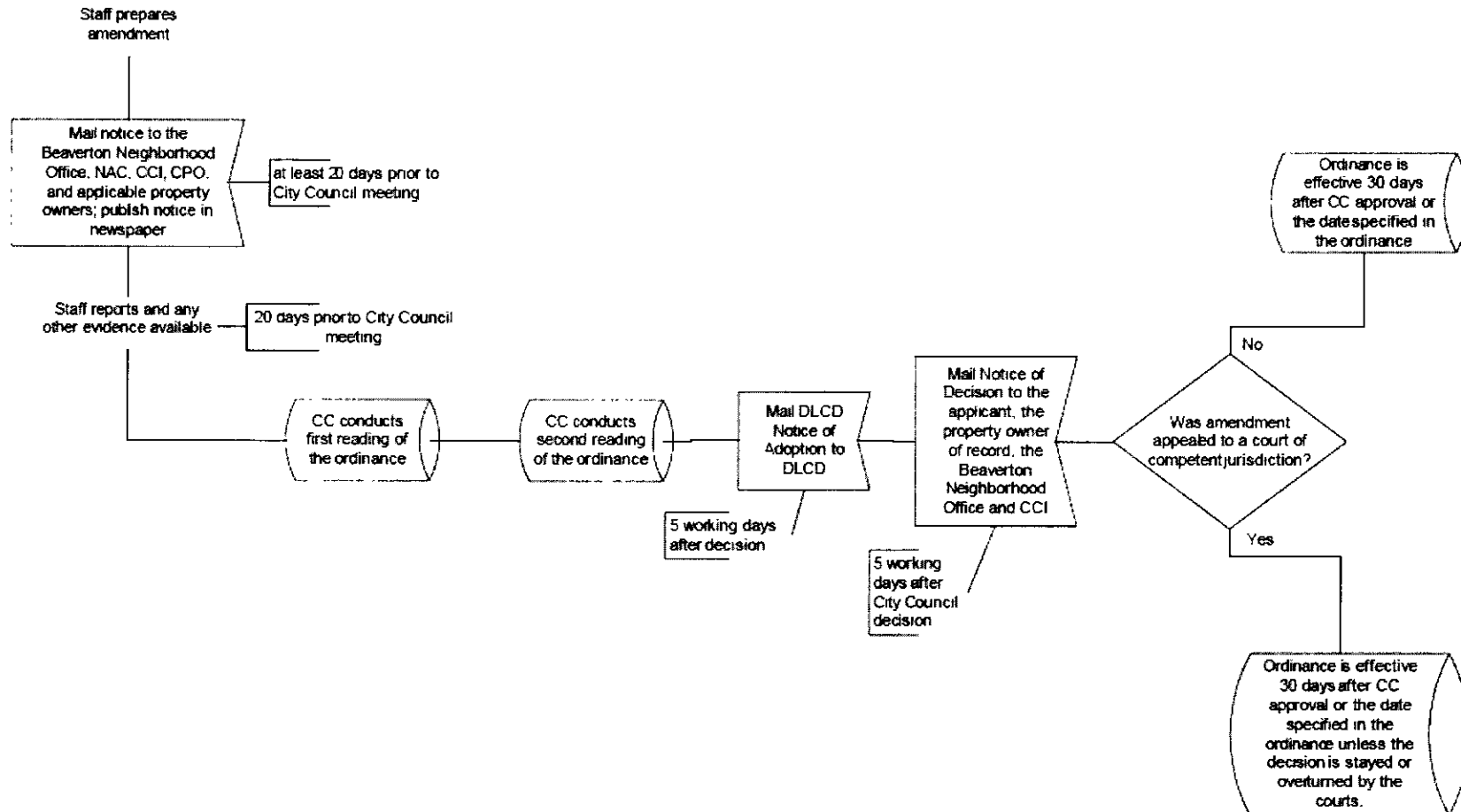
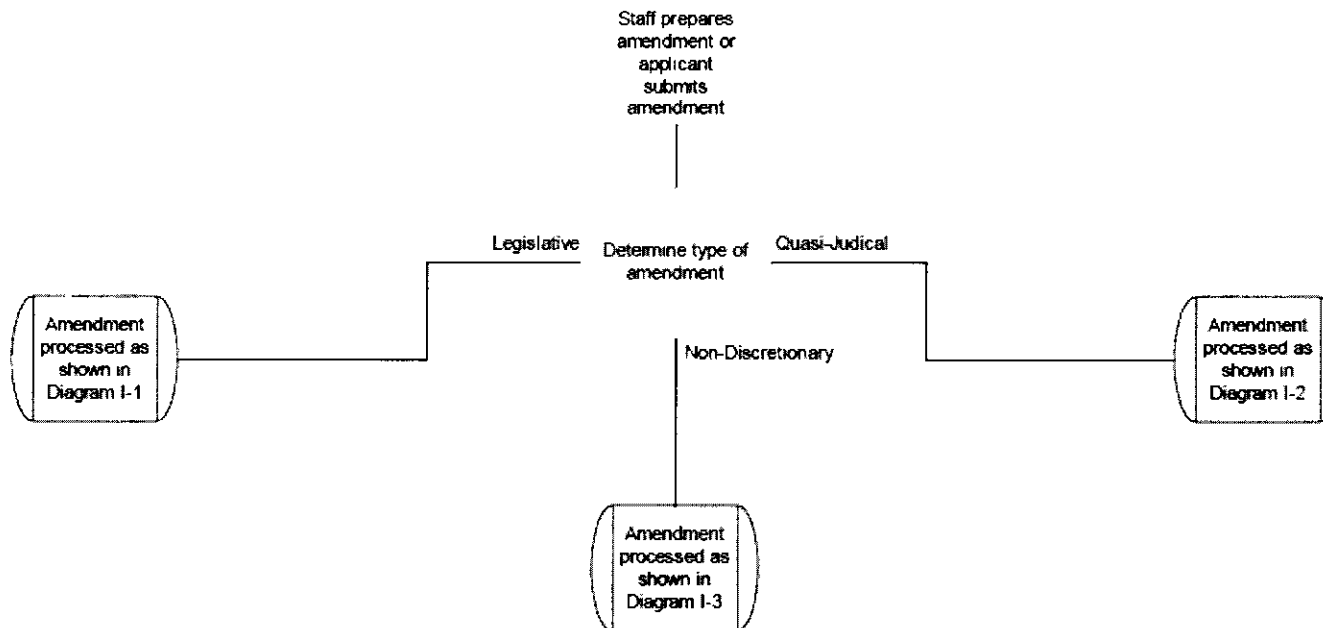


Diagram I-4

Statewide Planning Goal 5 Inventory Resource Document Volume III

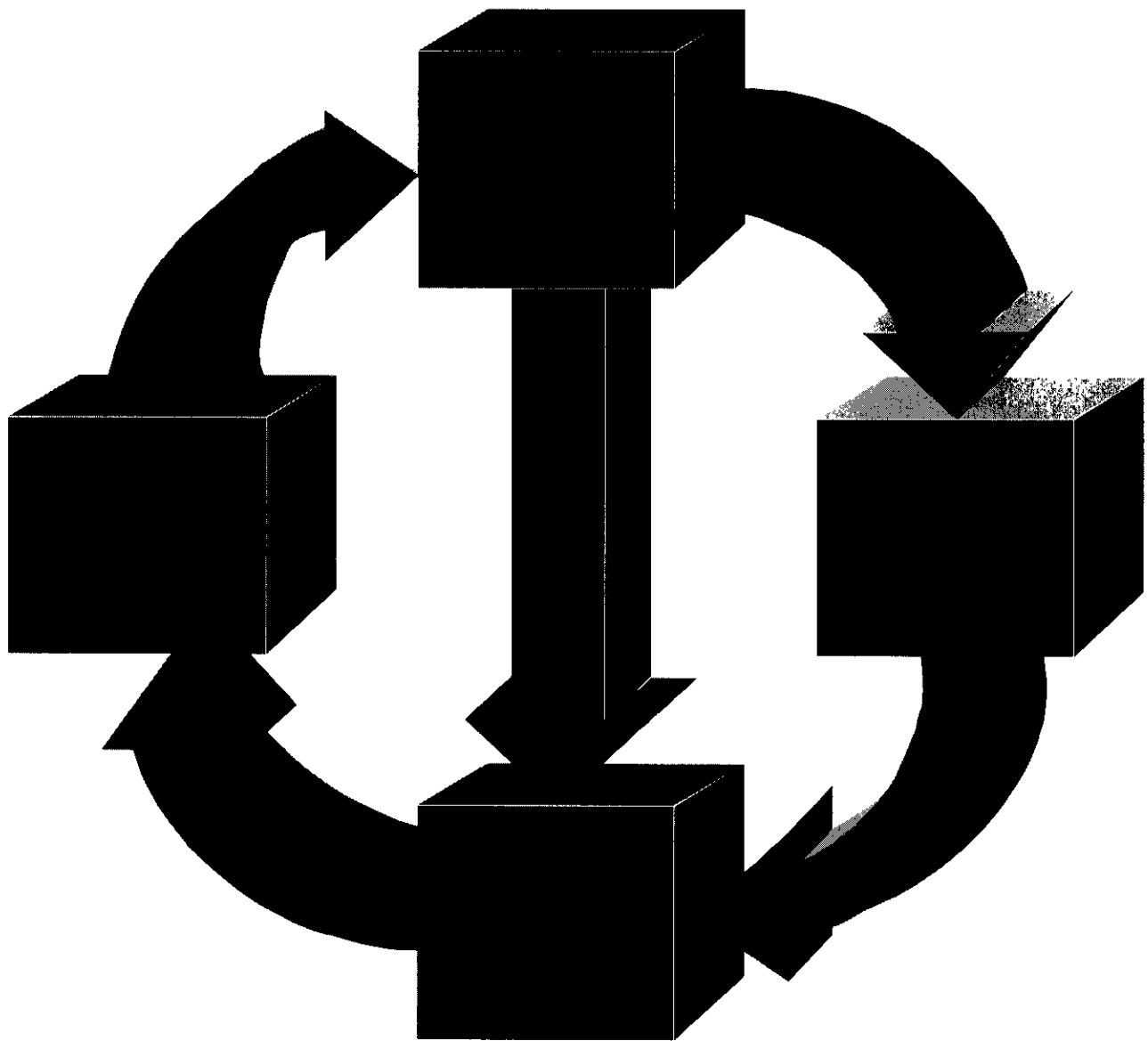
Comprehensive Plan Amendments



1.8 APPLICATION FEES

In order to defray expenses incurred in connection with the processing of applications, the City has established a reasonable fee to be paid to the City upon the filing of an application for a Plan amendment. Fees for privately initiated Plan amendments requiring extraordinary staff time or expertise beyond the scope of the average process may be subject to an additional project management fee as established by Council Resolution 3285.

CHAPTER ONE: COMPREHENSIVE PLAN AMENDMENT PROCEDURES ELEMENT



COMPREHENSIVE PLAN AMENDMENT PROCEDURES

1.1 AMENDMENT INITIATION.

Amendments to the Comprehensive Plan may be initiated by City Council, the Planning Commission, the Mayor, the Community Development Director, or the Public Works Director at any time. Landowners may also initiate an amendment to the Land Use Map pertaining only to their property at any time.

1.1.1 City-initiated Amendments

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing or City Council consideration. The Planning Commission and City Council have the right to accept, reject or modify any specific request for amendment in accordance with the City's policies and procedures. The Planning Commission or City Council may enlarge or reduce the geographic area of proposed map amendments, investigate alternative land use designations to those requested, or combine the request with other City-initiated amendments for comprehensive study and determination. If the decision to modify a requested amendment is made after public hearing notice has been provided, the notice shall be reissued and, if necessary, the hearing rescheduled.

1.1.2 Property Owner-initiated Amendments

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing. The Planning Commission and City Council reserve the right to approve, approve with conditions, or deny any specific request for amendment in accordance with the City's policies and procedures.

1.1.3 Amendment Processing

Proposed amendments shall be processed as expeditiously as possible, subject to the availability of staff and budgetary resources and project priorities set by the Mayor. Amendments shall be processed in compliance with the procedures established by this Plan as well as Oregon Revised Statutes, Oregon Administrative Rules, Metro Code, the City Charter, and City Ordinances. Property owner-initiated amendments should be processed in the order in which they are submitted and accepted as complete, but the City Council may, by resolution, postpone processing proposed amendments to accelerate processing other amendments to which they give a higher priority.

1.2 PERIODIC REVIEW

Periodic Review amendments are subject to a Land Conservation and Development Commission (LCDC) approved work program and follow separate notice procedures outlined in the Oregon Revised Statutes and Oregon Administrative Rules governing Periodic Review.

1.3 AMENDMENT PROCEDURAL CATEGORIES

Comprehensive Plan Amendments fall into five general categories: Legislative, Quasi-Judicial, Historic Landmark, District and Tree designation removal, Non-Discretionary, and Statewide

Planning Goal 5 Inventory Document Amendments.

Legislative Amendments are amendments to the Comprehensive Plan text or map of a generalized nature initiated by the City that applies to an entire land use map category or a large number of individuals or properties or that establishes or modifies policy or procedure. Legislative amendments include additions or deletions of text or land use map categories.

Quasi-Judicial Amendments are amendments to a Land Use Map designation as it applies to specific parcels or that applies to a small number of individuals or properties or locations.

Historic Landmark, District or Tree Designation Removal are amendments, requested from the property owner, to remove said designation pursuant to ORS 197.772. Upon receipt of a letter request to remove said designation, the Community Development Director shall issue a letter removing said designation based on ORS 197.772 and shall cause such letter to be mailed to the property owner and the property owners within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the subject property.

Non-Discretionary Amendments are amendments to the Comprehensive Plan Land Use Map to add an annexed property, or properties, to the Map with a Land Use Map designation assigned through direct application of the Washington County-Beaverton Urban Planning Area Agreement (UPAA). The County land use classification(s) remain in effect under provisions of Oregon Revised Statutes (ORS 197.175(1) and ORS 215.130(2)(a)) until the City acts to implement its own Comprehensive Plan Land Use designation(s) for the annexed territory.

The UPAA requires the City to assign a particular, or most similar, City Comprehensive Plan Land Use designation to the annexed property based on the Washington County designation. Exhibit “B” of the UPAA contains a chart describing a one-to-one relationship between County and City land use designations. The UPAA and the chart referenced as Exhibit “B” is found within Chapter 3 of the Comprehensive Plan in Section 3.15. Where UPAA Exhibit “B” provides a one-to-one relationship and the annexed property is **not** subject to any special policies within the applicable Washington County Community Plan, the decision to apply a specific Land Use Map designation is made under land use standards that do not require interpretation or the exercise of policy or legal judgement. Consequently, the decision is not a land use decision as defined by Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

Statewide Planning Goal 5 Inventory Resource Document Amendments are amendments to Volume III of the Comprehensive Plan. Amendments may be legislative, such as periodic review, or annual updates to maps, or quasi-judicial. Updates to the Significant Natural Resources Map (Local Wetland Inventory Map) incorporating changes approved by the Department of State Lands are non-discretionary map amendments the public notice, decision-making and appeal of the decision occurs when the Division of State Lands approves the wetland delineation and fill or removal permit (OAR 141-086-005 through OAR 141-090-0230, OAR 141-085-0018, OAR 141-085-0025, OAR 141-085-0028, OAR 141-085-0029, OAR 141-085-0031, OAR 141-085-0066, ORS 227.350 (2), and ORS 196.600 to 196.990). As noted under Non-Discretionary Amendments above, when no discretion is exercised, the decision is not a

land use decision under Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

1.4 NOTICE REQUIREMENTS

The claim of a person to have not received notice, who may be entitled to notice as provided in this section, shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was given.

If the Community Development Director or City Council determine that the proposed amendment substantially changes from the proposal described in the initial notice, then notice is required to be sent again as described in the appropriate subsection with specific notation that the proposal has changed and that a new hearing will be held on the matter.

1.4.1 Legislative Amendments.

A. Notice of the initial hearing shall be provided as follows:

1. By mailing the required inter-agency Department of Land Conservation and Development (DLCD) notice to DLCD, Metro, the Beaverton Neighborhood Office and the Chair of the Committee for Citizen Involvement (CCI) at least forty-five (45) calendar days prior to the initial hearing. When the legislative amendment is required through Periodic Review, DLCD notice is not required, therefore, it is not provided.
2. Mail notice to owners of property within the City for which the proposed ordinance, if adopted, may in the Director's opinion affect the permissible uses of land
 - a) The most recent property tax assessment roll of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.
 - b) If a person owns more than one property that could be affected by the proposed ordinance if adopted, the Director may mail that person only one notice of the hearing.
3. By publication of a notice with the information specified in subsection 1.4.1 (B)(1), (2), and (3) in a newspaper of general circulation within the City; and
4. By posting a notice with the applicable information specified in subsection 1.4.1 (B) at Beaverton City Hall and the Beaverton City Library; and
5. By placing a notice with the applicable information specified in subsection 1.4.1 (B) on the City's website.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing Notices required by numbers 2 through 5 of this subsection, shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

B. Mailed notice required in subsection 1.4.1 (A) (2), posted notice required in subsection 1.4.1 (A) (4), and web notice required in subsection 1.4.1 (A) 5 shall:

1. State the date, time and location of the hearing, and the hearings body;
 2. Explain the nature and purpose of the hearing;
 3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
 4. List the applicable approval criteria by Comprehensive Plan by section numbers that apply to the application at issue;
 5. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost and include the days, times and location where available for inspection;
 6. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
 7. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue; and
 8. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.
- C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).
- D. Notice of remand hearings, whether they be the entire legislative amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission, shall be given following subsections 1.4.1 (A) and 1.4.1 (B) with the following additional information:
1. The deadline for submitting written testimony and the place it is to be submitted;
 2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
 3. The scope of the testimony; and
 4. Whether the testimony is de novo or limited to the record and whether it must be submitted in writing or whether oral testimony will be allowed.

The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

1.4.2 Quasi-Judicial Amendments

- A. Notice of the initial hearing shall be provided as follows:
1. By mailing the required inter-agency DLCD notice to DLCD, Metro, the Beaverton Neighborhood Office and the CCI Chair at least forty-five (45) calendar days prior to the initial hearing.
 2. By publication of a notice with the information specified in 1.4.2 (B) (1), (2), (3) and (4) in a newspaper of general circulation within the City; and
 3. By posting notice with the information specified in 1.4.2 (B) at Beaverton City Hall and the Beaverton City Library; and
 4. By mailing notice with the information specified in 1.4.2 (B) to property owners

included in the proposed change area, if applicable, and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated; and

5. By mailing notice with the information specified in 1.4.2 (B) to any City-recognized Neighborhood Association Committee (NAC) or County-recognized Citizen Participation Organization (CPO) whose boundaries include the property for which the change is contemplated; and

6. By placing notice with the information specified in 1.4.2 (B) on the City's web site.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing notices required by numbers 2 through 6 of this subsection shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

B. Mailed notice required in subsection 1.4.2 (A) (4) and (5) shall:

1. Explain the nature of the application and the use or uses, which could be authorized;
2. Set forth the street address or other easily understood geographical reference to the subject property and include a map, if applicable;
3. State the date, time, and location of the hearing, and the hearings body;
4. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
5. List the applicable criteria from the Comprehensive Plan by section number that apply to the application at issue;
6. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue;
7. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
8. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
9. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost include the days, times and location where available for inspection; and
10. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.

C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).

D. Notice of remand hearings, whether for the entire quasi-judicial amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission shall be given following subsection 1.4.2 (A) and 1.4.2

(B) with the following additions:

1. Any deadline for submitting written testimony and the place it is to be submitted;
2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
3. The scope of the testimony; and
4. Whether the testimony is limited to the record or de novo and whether it must be submitted in writing or whether oral testimony will be allowed.
5. The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

1.4.3 Non-Discretionary Map Amendments

A. Notice for Non-Discretionary Map Amendments shall be provided as follows:

1. By publication of a notice with the information specified in 1.4.3 (B) (1), (2) and (3) in a newspaper of general circulation within the City; and
2. By mailing notice with the information specified in 1.4.3 (B) to the Beaverton Neighborhood Office, Chair of the Committee for Citizen Involvement (CCI), NAC, CPO and owners of record of the subject property on the most recent property tax assessment roll; and
3. By placing notice with the information specified in 1.4.3 (B) on the City's web site..

All notices required by 1. through 3. of this subsection (A) shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date the item initially appears on the City Council agenda.

B. Notice required by subsection 1.4.3.(A) shall:

1. Explain the nature of the application;
2. Set forth the street address or other easily understood geographical reference to the subject property, including a map;
3. State the time, date, place, and purpose of the City Council agenda item;
4. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
5. Include the name and phone number of the City staff person assigned to the application from who additional information may be obtained;
6. List the applicable criteria from the Comprehensive Plan and State Law that apply to the application at issue;
7. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost at least seven (7) calendar days prior to the City Council meeting and will be provided at reasonable cost and include the days, times and location where available for inspection;

C. Notice of Decision for Non-Discretionary Map Amendments

Within five working days after the City Council decision on a Non-Discretionary Map

Amendment, notice of the decision shall be mailed to the owner of record, DLCD, the Beaverton Neighborhood Office and the Chairperson of the Committee for Citizen Involvement (CCI). The notice of decision shall include the following:

1. A statement that the decision is final but may be appealed in a court of competent jurisdiction, and
2. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case.

1.4.4 Statewide Planning Goal 5 Inventory Resource Document (Volume III) Amendments

- A. If the proposal is legislative in nature, as in an update to one of the Statewide Planning Goal 5 Inventory Resource Documents or an addition of a new category of Statewide Planning Goal 5 Inventory Resource Documents, then notice shall follow the legislative notice procedure identified under subsection 1.4.1.
- B. If the proposal is quasi-judicial in nature, as in a change on one property or a limited group of properties, the notice shall follow the quasi-judicial notice procedure under subsection 1.4.2..
- C. If the proposal is to update the Local Wetland Inventory map of the Significant Natural Resource maps based on approvals of wetland delineations or fill or removal permits issued by the Oregon Department of State Lands, the amendment shall be deemed non-discretionary and shall be updated administratively by City Council ordinance adoption, following the Non-Discretionary Map Amendment procedure under 1.4.3.

1.5 CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN

The adoption by the City Council of any amendment to the Plan shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may incorporate by reference facts, findings, reasons, and conclusions proposed by the City staff or others into their decision.

1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments

- A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules; and
- B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan; and
- C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and
- D. If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.

1.5.2 Criteria for Non-Discretionary Map Amendments

A. Annexation-Related

Discretion occurs when the Washington County-Beaverton Urban Planning Area Agreement (UPAA) is adopted or amended by the County and the City. The UPAA provides specific City-County Land Use Designation Equivalents. Specifically, the UPAA states in Section II (D) "Upon annexation, the city agrees to convert County plan and zoning designations to City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations. Such conversion shall be made according to the tables shown on Exhibit "B" to this agreement." Consequently, when the conversion from County to City designation is shown on Exhibit B, the City has no discretion.

B. Statewide Planning Goal 5

The Department of State Lands (DSL) and the US Army Corps of Engineers (COE) exercise discretion when these agencies approve wetland delineations and fill/removal permits (OAR 141-085, ORS 227.350, and ORS 196.600 to 196.990). Because the decision is made by another agency, acknowledging the locations of the delineated wetlands and fill/removal activities on the City's Local Wetland Inventory map involves no discretion.

1.5.3 Criteria for Statewide Planning Goal 5 Inventory Resource Document (Volume III) Comprehensive Plan Amendments

A. Local Wetland Inventory Amendments require following the criteria for adoption of a local wetland inventory found within Oregon Revised Statutes and Oregon Administrative Rules (as of November 2004, ORS 196 and OAR 141-086 and OAR 660-023).

B Criteria for Addition of Historic Landmarks and Districts

To qualify as a historic landmark or district, the proposal must meet criterion 1 and at least one factor listed as criteria 2 through 5:

1. Conforms with the purposes of the Beaverton Comprehensive Plan; and
2. The proposed landmark or district is associated with natural history, historic people, or with important events in national, state, or local history; or
3. The proposed landmark or district embodies the distinguishing characteristics of an architecture inherently valuable for a study of a period, style, or method of construction; or
4. The proposed landmark is a notable work of a master builder, designer, or architect; or
5. The proposed landmark or district would serve one or more of the following purposes:
 - a) To preserve, enhance, and perpetuate landmarks and districts representing or reflecting elements of the City's cultural, social, economic, political, and architectural history;
 - b) To safeguard the City's historic, aesthetic, and cultural heritage as embodied and reflected in said landmarks and districts;

- c) To complement any National Register properties or Historic Districts;
- d) To stabilize and improve property values in such districts;
- e) To foster civic pride in the beauty and accomplishments of the past;
- f) To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- g) To strengthen the economy of the City; and
- h) To promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing, and public welfare of the City's current and future citizens.

C. Criteria for Adding Historic Trees

The adoption by City Council and Planning Commission of any amendment to add a historic tree to the Historic Tree Inventory shall be based on the following criteria:

- 1. Conforms with applicable goals and policies of the Beaverton Comprehensive Plan; and
- 2. The proposed historic tree designation is requested by the property owner as determined by the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation; and
- 3. The proposed historic tree is associated with historic properties, historic people, or with important events in national, state, or local history, or general growth and development of the city.

1.6 HEARINGS PROCEDURES

Before the City Council may adopt any amendment to the Comprehensive Plan, the procedures within this section shall be followed. In the case of Non-Discretionary amendments, no hearing will be held. Consideration of the proposal shall be placed on the City Council Agenda for adoption by ordinance.

- 1.6.1. After appropriate notice is given, as provided in section 1.4 the Planning Commission or City Council shall hold a public hearing on the amendment, except for Non-Discretionary amendments.
 - A. At the beginning of the hearing an announcement shall be made to those in attendance that:
 - 1. States the applicable approval criteria by Comprehensive Plan section number.
 - 2. States testimony, arguments and evidence must be directed toward the applicable criteria.
 - 3. States failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the Planning Commission or City Council and the parties an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue.
 - 4. States failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to

- respond to the issue may preclude an action for damages in circuit court.
5. If a quasi-judicial application, states the Planning Commission and City Council must be impartial and that members of the Planning Commission and City Council shall not have any bias or personal or business interest in the outcome of the application.
 - a) Prior to the receipt of any testimony, members of the Planning Commission or City Council must announce any ex parte contacts. The Planning Commission or City Council shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest or ex parte contacts.
 - b) If any member of the Planning Commission or City Council has visited the site (if applicable), they should describe generally what was observed.
 6. Summarizes the procedure of the hearing.
 7. States that the hearing shall be recorded on audio only or audio and video tape.
 8. States any time limits for testimony set by the Planning Commission or City Council at the beginning of the hearing.
- B. After the aforementioned announcements, the Chair or Mayor shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.
 - C. After the presentation of the staff report, the Chair or Mayor shall call for the applicant's testimony, if the City is not the applicant.
 - D. After the applicant's testimony, the Chair or Mayor shall call for other evidence or testimony in the following sequence unless the Planning Commission or City Council consents to amend the sequence of testimony:
 1. First, evidence or testimony in support of the application.
 2. Second, evidence or testimony in opposition to the application.
 3. Third, evidence or testimony that is neither in support nor in opposition to the application.
 - E. If the City is not the applicant, the Chair or Mayor shall call for rebuttal by the applicant. Rebuttal testimony shall be limited to the scope of the issues raised by evidence and arguments submitted into the record by persons in opposition to the application. Should the applicant submit new evidence in aid of rebuttal, the Chair or Mayor shall allow any person to respond to such new evidence, and provide for final rebuttal by the applicant.
 - F. The Chair or Mayor shall offer staff an opportunity to make final comments and answer questions.
 - G. Provisions for holding a record open or continuing a hearing set forth in Oregon Revised Statutes (ORS 197.763 (6)) shall apply to this Chapter of the Comprehensive Plan, in accordance with the statute.
- 1.6.2. Following the conclusion of the hearing, the Planning Commission shall take one of the following actions:
- A. Continue the hearing to a date, time and location certain, which shall be announced by the Chair. Notice of date, time, and location certain of the continued hearing is not required to be mailed, published or posted, unless the hearing is continued without announcing a date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.
 - B. Deny the application, approve the application, or approve the application with conditions.
 1. If the Planning Commission proposes to deny, approve, or approve with conditions,

the Planning Commission shall announce a brief summary of the basis for the decision and that an order shall be issued as described in 1.7; provided, the proceedings may be continued for the purpose of considering such order without taking new testimony or evidence.

2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763(6) shall apply under this Ordinance in a manner consistent with state law.
3. If the Planning Commission proposes to approve, or approve with conditions, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.
4. In conjunction with their adoption of an ordinance approving or approving with conditions a Comprehensive Plan Amendment, the City Council shall adopt written findings which demonstrate that the approval complies with applicable approval criteria.

1.7. FINAL ADOPTION AND APPEALS

1.7.1 Final Order

- A. The written decision in the form of a final order shall be prepared regarding the application. The final order shall include:
 1. A listing of the applicable approval criteria by Comprehensive Plan section number.
 2. A statement or summary of the facts upon which the Planning Commission or City Council relies to find the application does or does not comply with each applicable approval criterion and to justify any conditions of approval. The Planning Commission or City Council may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the final order to satisfy this requirement.
 3. A statement of conclusions based on the facts and findings.
 4. A decision to deny or to approve the application and, if approved, any conditions of approval necessary to ensure compliance with applicable criteria.
- B. Within five (5) working days after the Final Decision (City Council Ordinance or Final Order adoption), mail the required DLCD Notice of Adoption to DLCD, pursuant to ORS 197.610 and OAR Chapter 660- Division 18.
- C. Within five (5) calendar days from the date that the Planning Commission or City Council adopts a final order, the Community Development Director shall cause the order to be signed, dated, and mailed to the applicant, the property owner, the Neighborhood Association Committee or County Participation Organization in which the subject property is located, and other persons who appeared orally or in writing before the public record closed. The final order shall be accompanied by a written notice which shall include the following information:
 1. In the case of a Planning Commission decision, a statement that the Planning Commission decision can be appealed to the City Council following the procedures listed in 1.7.2. The appeal date and the statement that the appeal must be filed within ten (10) calendar days after the date of the signed notice is dated and mailed shall be placed on the notice, with the appeal closing date shown in boldface type. The statement shall generally describe the requirements for filing an appeal and include the name, address and phone number of the Community Development Director.

2. In the case of a City Council decision, a statement that the decision is final, but may be appealed to the Land Use Board of Appeals as provided in Oregon Revised Statutes (ORS 197.805 through 197.860) or to the Land Conservation and Development Commission as provided in Oregon Revised Statutes (ORS 197.633), in the case of Periodic Review Amendments.
3. A statement indicating the Amendment application number, date, and brief summary of the decision. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the proposal.
4. A statement of the name and address of the applicant.
5. If applicable, an easily understood geographic reference to the subject property and a map.

1.7.2 Notice of Intent to Appeal

- A. The Planning Commission decision may be appealed to the City Council only by the applicant, a person whose name appears on the application, or any person who appeared before the Planning Commission either orally or in writing. An appeal shall be made by filing a Notice of Intent to Appeal with the Community Development Director and within ten (10) calendar days after the signed written order was dated and mailed.
- B. A notice of Intent to Appeal shall be in writing and shall contain:
 1. A reference to the application number and date of the Planning Commission order;
 2. A statement that demonstrates the appellant is the applicant or their representative, a person whose name appears on the application, or a person who appeared before the Planning Commission either orally or in writing;
 3. The name, address, and signature of the appellant or the appellant's representative;
 4. An appeal fee, as established by Council resolution; if more than one person files an appeal on a specific decision, the appeals shall be consolidated and the appeal fee shall be divided equally among the multiple appellants; and
 5. A discussion of the specific issues raised for Council's consideration and specific reasons why the appellant contends that the Planning Commission's findings and/or recommendation is incorrect or not in conformance with applicable criteria.
- C. The Community Development Director shall reject the appeal if it
 1. is not filed within the ten (10) day appeal period set forth in subsection A of this section,
 2. is not filed in the form required by subsection B of this section, or
 3. does not include the filing fee required by subsection B of this section.

If the Community Development Director rejects the appeal, the Community Development Director will so notify the appellant by letter. This letter shall include a brief explanation of the reason why the Community Development Director rejects the appeal. A decision of the Community Development Director to reject an appeal pursuant to this section is a final City decision as of the date of the letter and is not subject to appeal to the City Council. The appellant shall be allowed to correct a failure to comply with subsection B of this section if the correction can be made and is made within the 10 day appeal period provided in subsection A of this section.

- D. If a Notice of Intent to Appeal is not filed, or is rejected, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.

If the application is denied, the City Council will adopt a final order which sets forth its decision together with any reasons therefor. The Council's final order or the ordinance is the final decision of the City on the application. Notice of the decision shall be given as provided in 1.7.1.

- E. Notwithstanding the provisions of this section, City Council on its own motion, may order a public hearing before the City Council at any time prior to adopting a Council final order or ordinance.

1.7.3 Notice of Appeal Hearing

- A. Written notice of the appeal hearing before the City Council will be sent

1. by regular mail,
2. no later than twenty (20) days prior to the date of the hearing
3. to the appellant, the property owner, the applicant, if different from the appellant, persons whose names appear on the application, and all persons who previously testified either orally or in writing before the Planning Commission.

- B. Notice of the hearing shall:

1. Reference the CPA file number or numbers and the appeal number;
2. Set forth the street address or other easily understood geographical reference to the subject property, if applicable;
3. State the date, time and location of the hearing;
4. State that an appeal has been filed, set forth the name of the appellant or appellants and contain a brief description of the reasons for appeal;
5. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
6. State that a copy of the Planning Commission's written order, the application, all documents and evidence contained in the record, and the applicable criteria are available for inspection at no cost and can be provided at reasonable cost including the days, times and location where available for inspection; and
7. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.

1.7.4 Preparation of the Record; Staff Report; Transcript

- A. Following receipt of a Notice of Intent to Appeal filed in compliance with 1.7.2, the Community Development Department Director shall prepare a record for Council review containing:
1. All staff reports and memoranda prepared regarding the application that were presented to the Planning Commission;
 2. Minutes of the Planning Commission proceedings at which the application was considered;

3. All written testimony and all exhibits, maps documents or other written materials presented to and or rejected by the Planning Commission during the proceedings on the application; and
 4. the Planning Commission's Final written order.
 5. The appellant may request, and the City Council may allow, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission public hearing. If such a request is made and granted, a transcript of the Planning Commission proceeding is required. The appellant shall remit a fee to cover the cost fo the transcript of the Planning Commission hearing within five (5) calendar days after the Community Development Director estimates the cost of the transcript. Within ten (10) calendar days of notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. In the event that the Council denies the request for an on the record appeal hearing, and holds a de novo hearing, the transcript fee may be refunded. If the transcription fee estimate exceeds the transcription cost, the balance shall be refunded to the appellant.
- B. The Community Development Department Director shall prepare a staff report on the appeal explaining the basis for the Planning Commission's decision as relates to the reason for appeal set forth in the Notice of Intent to Appeal, and such other matters relating to the appeal as the Director deems appropriate.

1.7.5 Scope of Review

- A. The City Council appeal hearing shall be de novo, which means any new evidence and argument can be introduced in writing, orally, or both. The City Council may allow, at the appellant's request, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission hearing.
- B. The Council may take official notice of and may consider in determining the matter any material which may be judicially noticed pursuant to the Oregon Rules of Evidence, ORS 40.060 through 40.090, including an ordinance, comprehensive plan, resolution, order, written policy or other enactment of the City.
- C. Preliminary Decision.

At the conclusion of deliberations, the Council shall make a preliminary oral decision. The Council may affirm, reverse or modify the Planning Commission's order in whole or in part, or may remand the decision back to the Planning Commission for additional consideration. (Procedures for noticing a remand hearing are found in sections 1.4.1 (D) and 1.4.2 (D).) The preliminary oral decision is not a final decision. At any time prior to adoption of the final order or Ordinance pursuant to subsection D of this section, the Council may modify its decision based upon the record or may reopen the hearing.

- D. Final Order or Ordinance

In the case of a denial, the City Council shall direct staff to prepare a final order or in the case of approval, the Council shall cause the preparation of an Ordinance. The Ordinance or final order shall consist of a brief statement explaining the criteria and standards considered relevant, stating the facts relied on in rendering the decision, and explaining

the justification for the decision based upon the criteria and facts set forth. The final order, or Ordinance, is the final decision on the application and the date of the order, or Ordinance, for purposes of appeal is the date on which it is signed by the Mayor.

Procedures for preparation of the Final Order, Ordinance and distribution of the Notice of Decision are found in section 1.7.

The following diagrams, Diagram I-1 through I-4, are intended for illustrative purposes only and are not adopted as procedural requirements within this ordinance. Thus, periodic updates to Diagrams I-1 through I-4 will not require a Comprehensive Plan Amendment.

Diagram I-1
Legislative Comprehensive Plan Amendments

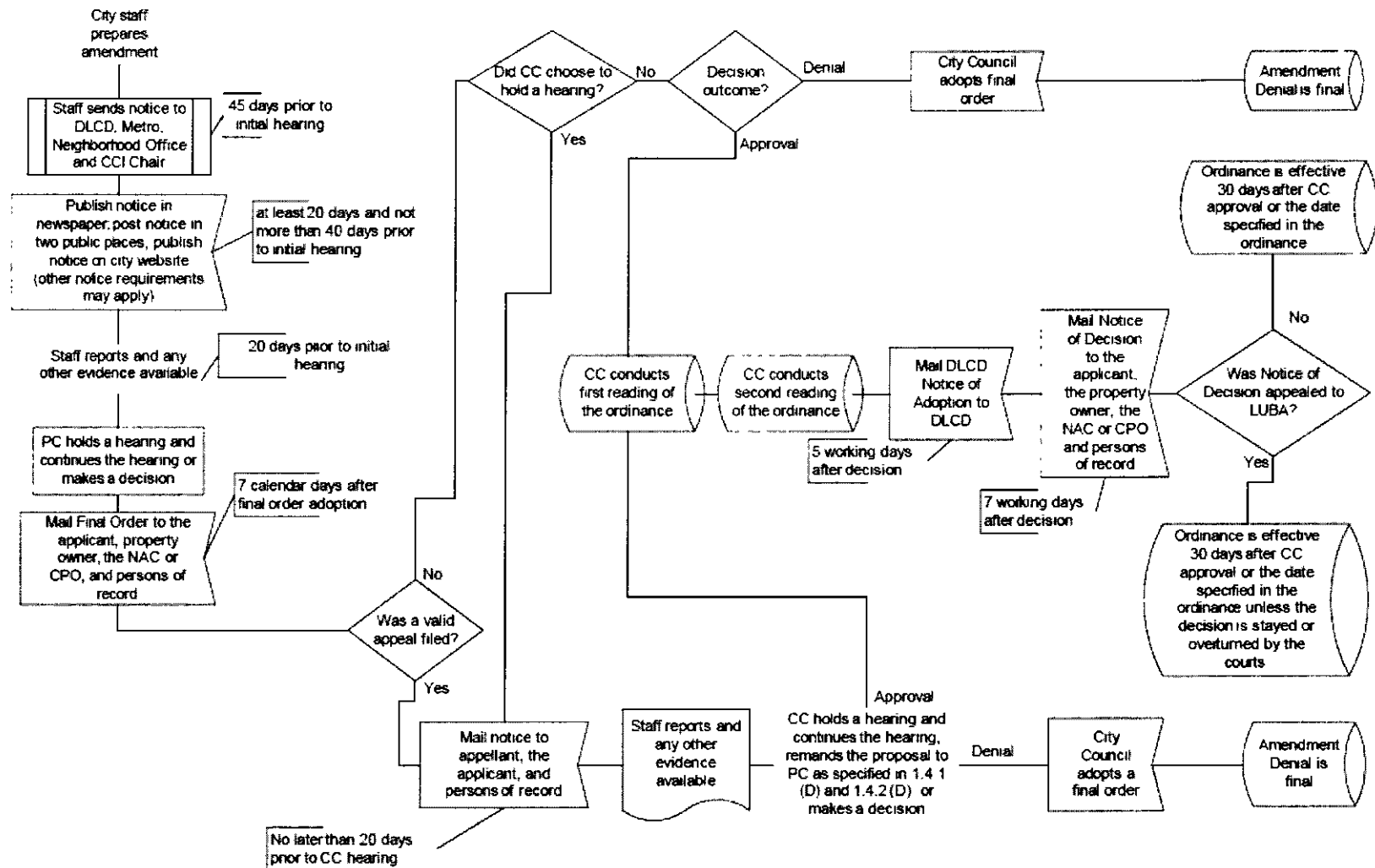


Diagram I-2
Quasi-Judicial Comprehensive Plan Amendments

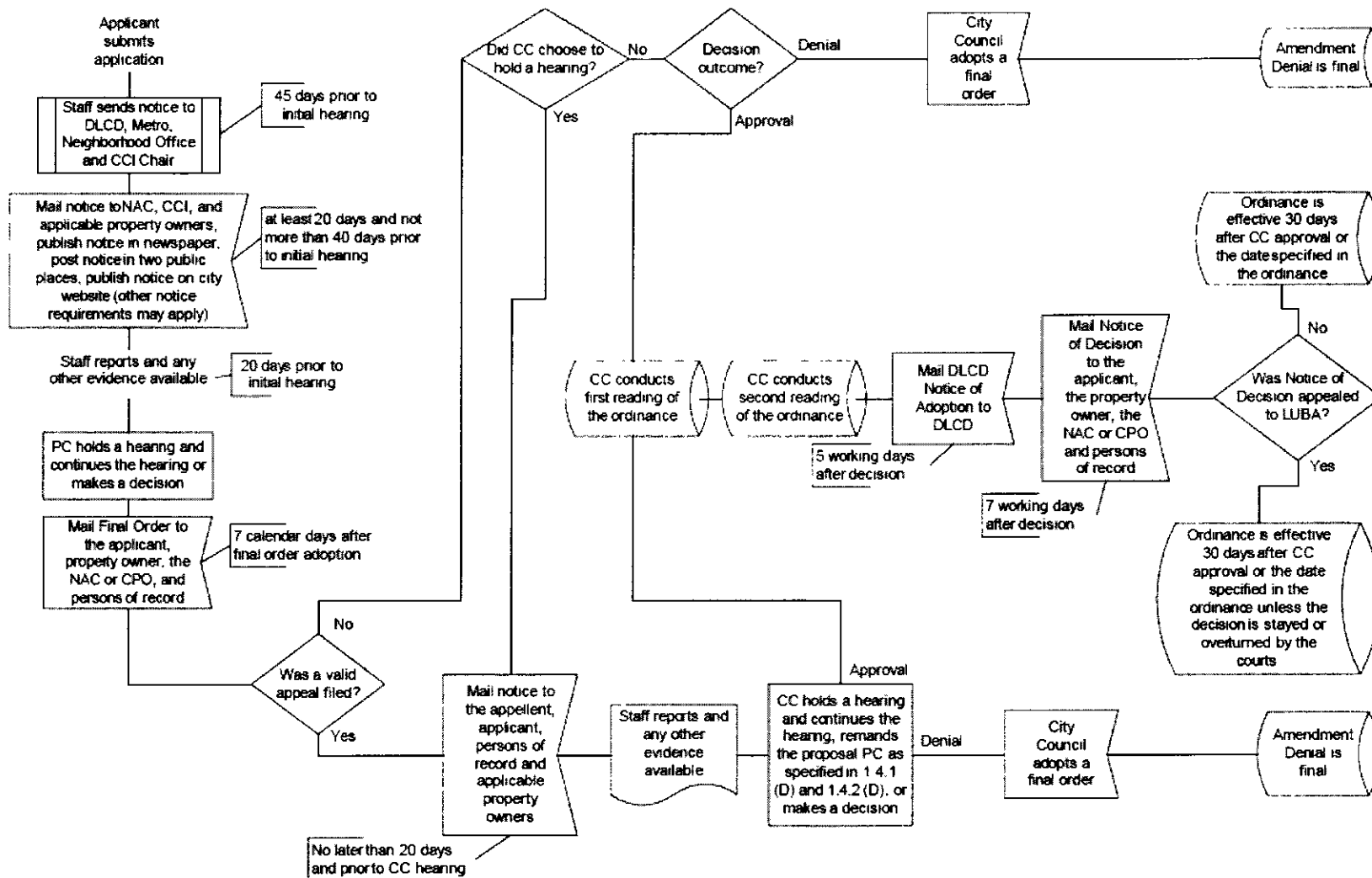


Diagram I-3
Non-Discretionary Map Comprehensive Plan Amendments

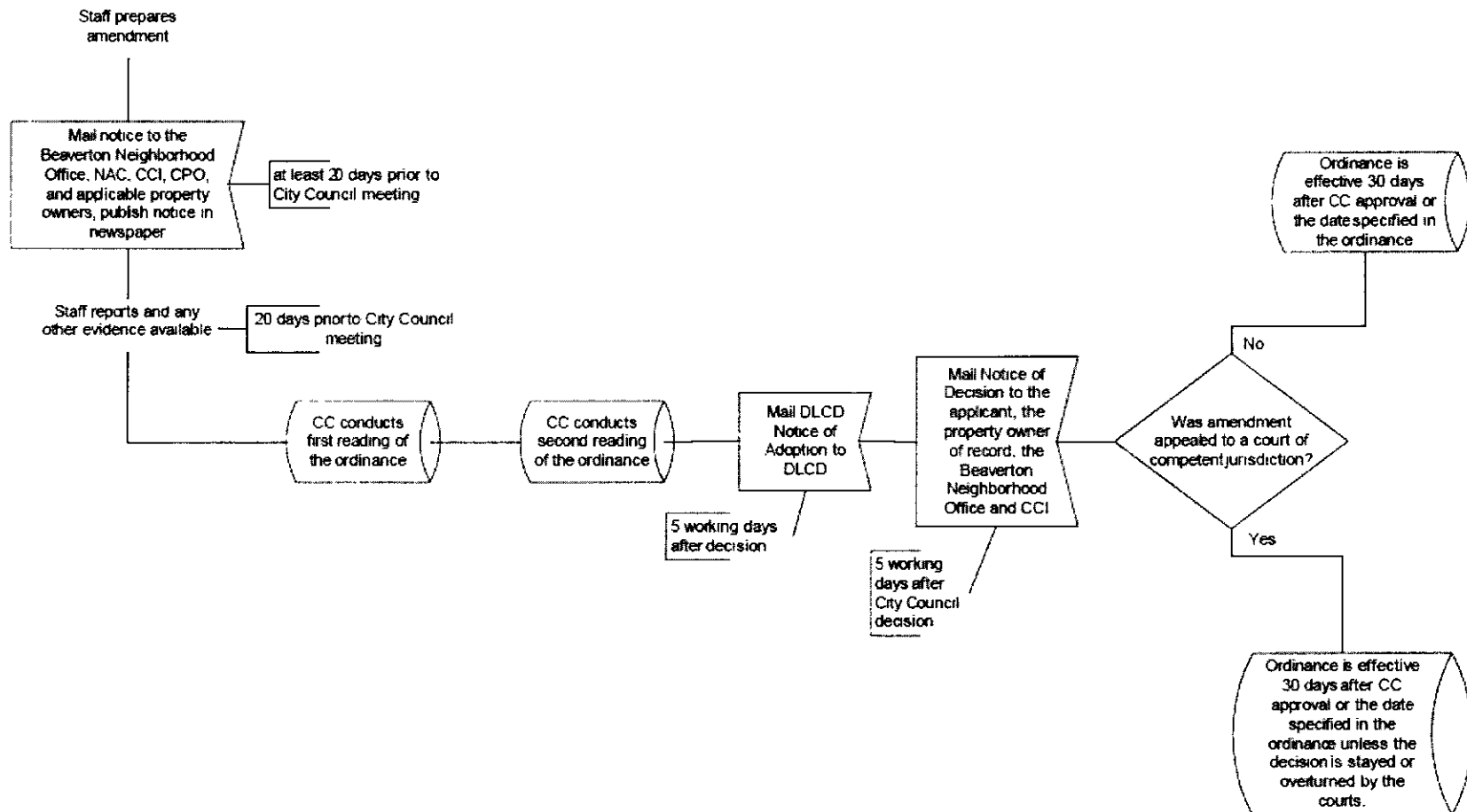
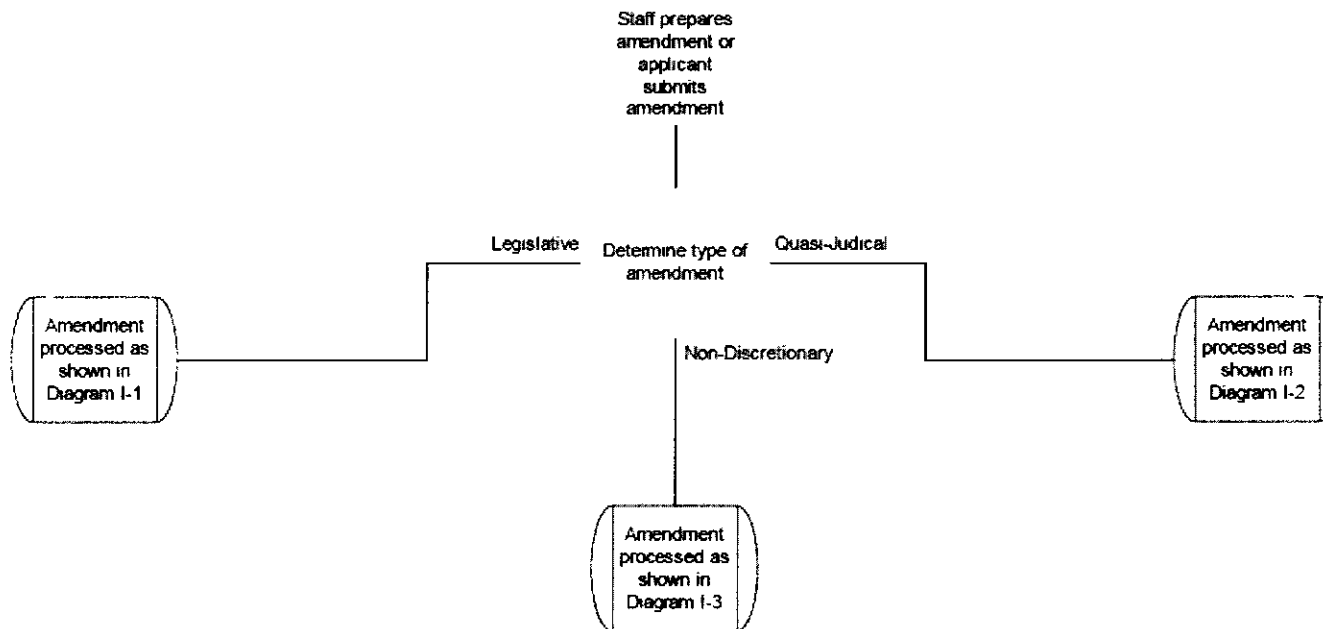


Diagram I-4

Statewide Planning Goal 5 Inventory Resource Document Volume III

Comprehensive Plan Amendments



1.8 APPLICATION FEES

In order to defray expenses incurred in connection with the processing of applications, the City has established a reasonable fee to be paid to the City upon the filing of an application for a Plan amendment. Fees for privately initiated Plan amendments requiring extraordinary staff time or expertise beyond the scope of the average process may be subject to an additional project management fee as established by Council Resolution 3285.

CHAPTER TWO:

PUBLIC INVOLVEMENT

ELEMENT



PUBLIC INVOLVEMENT ELEMENT

2.1 OVERVIEW

Engaging the public early and often in the decision-making process is critical to the success of any planning effort, especially in relation to land use and transportation issues. In addition, numerous state and federal laws, as well as local policies, require public review and feedback at critical points in public policy development. For example, the federal Intermodal Surface Transportation Efficiency Act of 1991 underscores the need for public involvement, calling on planning agencies to provide the public, affected public and private agencies, and other interested parties “with a reasonable opportunity to comment” on plans and programs.

2.2 PUBLIC INVOLVEMENT GOALS

Oregon’s Statewide Planning Goal 1 charges the governing body with preparing and adopting a comprehensive program for public involvement that clearly defines the procedures by which the general public can become involved in the planning process:

Goal 1 Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.
(Department of Land Conservation and Development, adopted 1974, amended 1988)

The City of Beaverton’s commitment to ensure an optimum level of public participation is reflected in its public involvement goals:

City Council Goal: Enhance citizen involvement and participation.

Comprehensive Plan Public Involvement Goal: The Planning Commission, Council, and other decision making bodies shall use their best efforts to involve the public in the planning process.

In response to these goals, the City has developed a Public Involvement program aimed at expanding opportunities for public involvement throughout the planning process.

2.2 PUBLIC INVOLVEMENT PROGRAM

In order to encourage public participation it is critical that issues important to different groups be identified and addressed early in the planning process. The need for and desirable level of public participation should be determined in the early stages of any planning activity.

Public participation provides information and assistance to staff and policy makers in dealing with issues of interest to the public. When the community and its decision makers

work from a common base of information, an active, rather than reactive program can evolve. Such a program will provide information more suitable to the public's needs.

2.3 PUBLIC INVOLVEMENT PROGRAM OBJECTIVES

- A. To involve a cross section of the community in the community planning process.
- B. To ensure effective two-way communication between the City and the public.
- C. To provide an opportunity for the public to be involved in all phases of the planning process (e.g., scoping, analysis, plan preparation, adoption, implementation, and monitoring).
- D. To ensure that technical information is presented in an understandable form.
- E. To ensure that the public will receive a response from policy-makers.
- F. To ensure appropriate funding for the public involvement program.

2.4 PROGRAM IMPLEMENTATION

2.4.1 CITY-WIDE PUBLIC INVOLVEMENT OUTREACH MECHANISMS

Several existing mechanisms ensure city-wide public involvement in Beaverton's planning process. The City's primary outreach mechanisms are through:

- A. The Committee for Citizen Involvement, an advisory committee to the City Council;
- B. The Neighborhood Program Office;
- C. The Neighborhood Association Committees;
- D. Specific committees and special interest groups;
- E. *Your City*, a newsletter published six times per year, subject to continued funding, that is designed to keep the public informed and invite participation;
- F. Periodic news releases in area newspapers;
- G. Contact with the local media;
- H. The City's public internet web site;
- I. Public workshops and focus groups; and

J. Public hearings.

Each public involvement opportunity is tailored to meet the needs and conditions of the outreach effort, and techniques are often combined.

2.4.2 PUBLIC INVOLVEMENT IN CITY DECISION MAKING PROCESSES

The City's formal decision making processes include several opportunities for public involvement. The public is invited to present their views at the various City board and committee meetings, including but not limited to City Council, Planning Commission, Traffic Commission and Board of Design Review. Public notices, complete with the hearing date, time, location, and hearing body, are mailed out at least twenty (20) calendar days prior to the date of the public hearing. Notices of public hearings are primarily published in the advertisement section of *The Valley Times*. On occasion, public hearing notices are published in *The Oregonian*. Notices are also posted on the City's web site.

Final agendas are posted at least seven calendar days in advance of the meeting at City Hall, located at 4755 S.W. Griffith Drive and the Beaverton Library at 12375 SW Fifth Street. Agendas and meeting notices are available upon request from the City. Documents containing the proposals to be considered at the public hearings are available at the Public Counter of the Community Development Department at least seven (7) calendar days in advance of the hearing, at least twenty (20) calendar days for Comprehensive Plan Amendments.

The public is encouraged to provide staff with written comments or copies of presentations, particularly if the statement is too long to be orally presented in its entirety at a meeting. Individuals unable to attend meetings can submit concerns and ideas in writing to the Community Development Department office prior to the close of the public comment period. Copies of all materials submitted prior to distribution to the appropriate decision making body are included in documentation provided for the deliberation on the matter.

All meetings are held in locations accessible to persons with disabilities. Listening devices or other auxiliary aids, sign language interpreters for people with hearing impairments, and readers for people with visual impairments are provided if requested at least three working days (72 hours) prior to the meeting.

The City may also conduct public meetings, workshops, and focus groups on particular issues to solicit input and involvement in various planning issues. Adopted plans are also available to the public for review at the Community Development Department and the Beaverton Library, and are posted on the City's internet web site. Copies may be acquired for the cost of duplication at the Community Development Department.

2.4.3 CITY-SPONSORED PUBLIC GROUPS

2.4.3.1. Committee for Citizen Involvement (CCI)

Council Resolution 2058 (1978) established the CCI, defining its responsibilities as an advisory committee to the City Council. The *Beaverton Code* specifies membership of the CCI as five at-large members appointed by the Mayor and confirmed by the Council and one member from each recognized Neighborhood Association Committee. The CCI's role is to assure that the community has a continuous opportunity to exchange ideas and information with the City, and to monitor and evaluate City programs as specified in the *Beaverton Code, 1982*, as amended (BC 2.03.050 through 2.03.054).

The Citizen Involvement Program, adopted by Resolution 2229 (1980), established a formalized public participation program for the CCI and provided a method by which the committee and other members of the community could communicate their opinions, inquiries, or complaints about City departments, committees, or the Council.

The program also provides for a newsletter and calendar of City meetings, information flyers, community meetings, and funding for these activities as well as staff support and public hearing notices. The City is committed to providing financial support for public outreach and public participation processes. Staff and resource needs are determined during work program development for each plan, program, and project. In addition, the City's Neighborhood Program Office staff are available to coordinate outreach and work with City departments to realize the full potential of each public participation effort.

2.4.3.2 Neighborhood Association Committees (NACs)

The *Beaverton Code* identifies the procedures by which residents can form Neighborhood Association Committees, add or delete areas of acknowledged NACs and provides a process for termination of NAC Recognition and NAC Grievances (BC 9.06.010 through 9.06.040) Boundaries of the NACs are shown on maps available at City Hall or on the City's website.

NACs provide a forum to identify, discuss, and offer solutions to neighborhood concerns such as traffic, safety, land use, and economic development. Supported by the Neighborhood Program Office, Beaverton's NACs are organized by volunteers, meet regularly, and participate in the public comment process. Monthly agendas and minutes are mailed to active participants. Neighborhood and city-wide issues are usually the main agenda topics.

2.4.3.3. The *Beaverton Code* (Section 2.03.002 – 2.03.300) identifies other City Boards, Commissions and Committees created by ordinance. Additional committees or review commissions may be established to address special projects, such as the Code Review Advisory Committee. These committees provide input to staff as they develop specific proposals, such as amendments to the Development Code.

2.4.4. Citizen’s Participation Organizations (CPOs)

Washington County CPOs bordering the City limits are also involved in City planning issues through their newsletters and processes. Each CPO’s newsletter details issues of county, city, and region-wide interest to its readers. Public hearing notices and articles of interest concerning Beaverton issues are often included in the CPO newsletters.

2.4.5 PUBLICATIONS AND MAIL NOTIFICATION

“Your City” newsletter is distributed city-wide. It provides information on current issues to the residents of Beaverton. Published approximately six times per year, subject to available funding, “Your City” includes notification of regularly scheduled Board, Commission, Advisory Committee and Neighborhood Association Committee meetings and hearings, articles of interest to residents, and educational opportunities relating to planning and other community issues. Specific mailings, public notices, flyers, surveys and questionnaires, as well as the City’s web site, cable broadcasts and other media, are used by the City to obtain input and provide information.

2.5 OPPORTUNITIES FOR PUBLIC INVOLVEMENT

Many City planning processes incorporate specific public involvement procedures, which are identified in Chapter I of this Plan and in the City of Beaverton Development Code.

In addition to the City’s public participation processes, Metro requires transportation plans and programs to conform with its adopted Local Public Involvement Policy. This policy defines procedures and includes a certification process for projects proposed for federal funding through Metro.

Early public participation is critical to identifying needs and issues, evaluating alternatives, and developing, implementing, and evaluating projects. Opportunities for public involvement are available during preparation and review phases of City plans. Comments received during plan preparation and review are also made part of the public record. At public hearings, comments are recorded and responses are noted. Public participation opportunities and public notice requirements for city plan and code revisions and updates are specified in the respective plan or code.

GLOSSARY OF COMPREHENSIVE PLAN TERMS

The terms in this Plan embody the legislative intent of the City Council. Terms of ordinary usage are to be given their usual and reasonable meanings. Key words and concepts used in this Plan are explained below.

When the meaning ascribed to a term in this section conflicts with an identical or nearly identical term appearing in a closely-related state, regional, or federal law, the intent under this ordinance shall prevail unless a superior source of law requires a different result.

Where terms are not defined in this section, and a term conflicts with a provision of statewide, regional, or City of Beaverton law, the more restrictive interpretation will prevail unless it leads to an unlawful result.

ACCESS	The place, means or way by which pedestrians, vehicles, or both shall have safe, adequate and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or easement. (Beaverton Development Code)
ACCESSIBILITY	The amount of time required to reach a given location or service by any mode of travel. (Metro Code 3.07.1010(a)) (Also Metro Regional Framework Plan)
ACCESSORY DWELLING UNIT	A dwelling unit incidental or subordinate to the principal use of a building or project and located on the same site.
ACCESSORY STRUCTURE OR USE	A structure or use incidental, appropriate and subordinate to the main structure or use. (Beaverton Development Code)
ACKNOWLEDGEMENT	A Land Conservation and Development Commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro Urban Growth Management Functional Plan, amendments to Metro planning goals and objectives or amendments to the Metro Urban Growth Management Functional Plan comply with the statewide planning goals. (ORS 197.015(1))
ACQUIRE OR ACQUISITION	The acquisition of land by purchase, lease, gift, grant, or devise.
ACTIONS	With regard to implementation actions identified in this Plan: Direct specific City activities or events, consistent with the Comprehensive Plan goals and policies.
ADJACENT	Near or close or next to. For example, an Industrial District across the street from a Residential District shall be considered as "adjacent". (Beaverton Development Code)
ADVERSE IMPACT	A negative consequence, demonstrated through evidence, to the physical, social or economic environment resulting from an action or development.
AFFORDABLE HOUSING	For the purposes of complying with Metro's Title 7 provisions, affordable housing is defined as housing that is affordable to residents earning less than 50% of the Metro area median income whereby no more than 30% of the household's gross income is expended toward housing costs.
ALTERNATIVE MODES	Alternative methods of travel to the automobile, including public transportation (light rail, bus and other forms of public transportation), bicycles and walking.
APARTMENT	(1) One or more rooms of a building used as a place to live, in a building containing at least one other unit used for the same purpose; (2) A separate suite, not owner occupied, which includes kitchen facilities and is designed for and rented as the



	home, residence, or sleeping place of one or more persons living as a single housekeeping unit.
APPROPRIATE	An act, condition, or state suitable under the circumstances.
AQUIFER	An underground, water bearing layer of earth, porous rock, sand, or gravel, through which water can seep or be held in natural storage.
ARCHAEOLOGICAL	Relating to the material remains of past human life, culture, or activities.
ARTERIAL STREET	Arterial streets serve to interconnect and support the freeway system. These streets link major areas of the city. Arterial streets are typically spaced about one mile apart to assure accessibility and reduce the incidence of traffic using collectors, neighborhood routes, or local streets in lieu of an arterial street.
AWNING	A roof like structure of fabric stretched over a rigid frame projecting from the elevation of a building designed to provide continuous overhead weather protection. (Beaverton Development Code)
BEAVERTON CODE	The Beaverton Code, 1982, as amended.
BEAVERTON DEVELOPMENT CODE	Development Code of the City of Beaverton, Ordinance 2050, as amended, is an ordinance establishing the zoning standards, regulations and procedures, providing related development requirements and providing penalties and otherwise implementing this Plan.
BEAVERTON ENGINEERING DESIGN MANUAL AND STANDARD DRAWINGS	A compilation of resolutions and ordinances setting forth the technical engineering standards that implement the City's Site Development Ordinance.
BICYCLE LANE (BIKE LANE)	Bicycle lane means the area within the street right-of-way designated specifically for use by bicyclists. The same area may also be referred to as a "bike lane." Bicycle lanes are striped and accommodate only one-way travel. (Beaverton Development Code)
BIKEWAY	Bikeway means any path or roadway facility that is intended and suitable for bicycle use. (Beaverton Development Code)
BOULEVARD DESIGN	A design concept that emphasizes pedestrian travel, bicycling and the use of public transportation, and accommodates motor vehicle travel.
BUFFER ZONE	An area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other.

B

BUILDABLE LANDS	Lands in urban and urbanizable areas that are suitable, available and necessary for residential uses. Buildable lands includes both vacant land and developed land likely to be redeveloped. (ORS 197.295(1))
BUS	A motor vehicle designed for carrying 15 or more passengers, exclusive of the driver, and used for the transportation of persons. (ORS 184.675(6))
CAPITAL IMPROVEMENT	Physical assets constructed or purchased to provide, improve or replace a public facility and that are large in scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing.
CAPITAL IMPROVEMENT PROGRAM (CIP)	A multi-year (usually five or six) schedule of capital improvement projects, including cost estimates and priorities, budgeted to fit financial resources. The CIP is administered by a city or county government and reviewed by its planning commission. It schedules permanent improvements needed in the future, taking into consideration the projected fiscal capability of the local jurisdiction. The CIP is generally reviewed annually for conformance to and consistency with the comprehensive plan. In Beaverton, the CIP is called the Capital Improvements Plan.
CLUSTER DEVELOPMENT	Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area.
COLLECTOR STREET	Collector streets provide both access and circulation within major areas of the city. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive access control, and penetrate residential neighborhoods, distributing trips from the neighborhood and local street system.
COMMERCIAL USES	Activities within land areas that are predominantly connected with the sale, rental and distribution of products, or performance of services.
COMMUNITY DEVELOPMENT DIRECTOR	The Director of Community Development for the City of Beaverton, Oregon, or designee.
COMMUNITY PLAN	Volume V of the Comprehensive Plan. These documents describe policies and action statements and map designations specific to a particular geographic location.
COMPATIBLE	Capable of existing together without discord or disharmony.

C

COMPREHENSIVE PLAN	A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. (ORS 197.015(5))
CONDOMINIUM	A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units.
CONGESTION	Occurs when traffic demand nears or exceeds the available capacity of the system.
CONNECTIVITY	The degree to which the street systems in a given area are interconnected. (Metro Code 3.07.1010(j))
CONSERVATION EASEMENT	An easement specifically written to maintain or protect a natural resource.
CORRIDORS	<p>While some corridors may be continuous, narrow bands of higher-intensity development along arterial roads, others may be more 'nodal,' that is, a series of smaller centers at major intersections or other locations along the arterial that have high-quality pedestrian environments, good connections to adjacent neighborhoods and good transit service. As long as the average target densities and uses are allowed and encouraged along the corridor, many different development patterns--nodal or linear--may meet the corridor objective. (Metro Regional Framework Plan)</p> <p>Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities. (Metro Code 3.07.130) An average of 25 persons per acre is recommended. (Metro Code 3.07.170)</p>
CRITICAL PUBLIC FACILITIES	Critical public facilities and services shall include public water, public sanitary sewer, storm water system (including storm water quality and quantity facilities), transportation, and fire protection. (Engineering Design Manual and Standard Drawings Proposed Definition)
CULTURAL RESOURCES	Areas characterized by evidence of an ethnic, religious or social group with distinctive traits, beliefs, and social forms. For example, an archaeological site, such as an Indian burial ground could be an important cultural site.

DECISION, DISCRETIONARY	An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project. (See <i>Decision, Quasi-Judicial</i>)
DECISION, LEGISLATIVE	A decision of a local official or entity based upon the decision-maker's perception of the best course of action. The city typically employs legislative decisions in adopting an ordinance or resolution establishing a basic principle or policy. Examples are decisions to adopt a comprehensive plan, apply a plan designation to a large number of properties, or decisions which affect a large geographic area or number of persons.
DECISION, QUASI-JUDICIAL	Quasi-judicial decisions bear different aspects than legislative decisions. For example, requests of quasi-judicial decisions usually must actually result in a decision; quasi-judicial decisions are bound to apply pre-existing criteria to concrete facts; and they are customarily directed at a closely-circumscribed factual situation or small number of persons. The more a local government decision bears these emblems, the more it is a quasi-judicial decision.
DEDICATION	The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses are often made conditions for approval of development.
DENSITY	The ratio of dwelling units or employees per unit of area (square feet, acre, square mile, etc.). Density generally refers to residential uses. A measure of the intensity of the development generally expressed in terms of dwelling units (du) per acre (i.e., less than 7.5 du per acre = low density; 7.5 to 15 du per acre = medium density, etc.) It can also be expressed in terms of population density (people per acre). It is useful for establishing a balance between potential local service use and service capacities.
DENSITY BONUS	The allocation of development rights that allows a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is planned or zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location.
DENSITY CREDIT	The transfer of development density rights from one piece of one property to another piece of the same property. A project site that contains environmentally sensitive areas or other lands that should not be developed, as defined in this comprehensive plan, may be entitled to a density credit.
DENSITY, GROSS	The number of dwelling units per gross acre. Gross acreage is the total amount of raw land, including all developable and undevelopable portions.

D

DENSITY, NET	The number of dwelling units allowed on the total acreage of developable portions of the site (net developable acre) within a given land area.
DENSITY, RESIDENTIAL	The number of permanent residential dwelling units per acre of land. Densities specified in the comprehensive plan may be expressed in units per gross acre or per net developable acre (See Gross Acres and Net Acres).
DESIGN PLAN	A plan for a defined geographic area in a single or multiple ownership that is consistent with the Comprehensive Plan and includes, but is not limited to, a land use and circulation plan, development standards, design guidelines, an open space plan, utilities plans and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the Design Review process. (Beaverton Development Code)
DESIGN TYPE	The conceptual areas described in the Metro 2040 Growth Concept text and map in Metro's regional goals and objectives, including central city, regional centers, town centers, station communities, corridors, main streets, inner and outer neighborhoods, industrial areas, and employment areas. (Metro Code 3.07.1010(m))
DEVELOPER	An individual who or business that prepares land for the construction of buildings or causes to be built physical space for use primarily by others, and in which the preparation of the land or the creation of the building space is in itself a business and is not incidental to another business or activity.
DEVELOPMENT	Generally, any man-made change to existing or proposed use of real property. Development activities include: land divisions, lot line adjustments, construction or alteration of structures, construction of roads and any other accessway, establishing utilities or other associated facilities, grading, deposit of refuse, debris or fill, and clearing of vegetative cover. Does not include routine acts of repair or maintenance.
DWELLING UNIT	A structure or part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household. (ORS 90.010(9))
EARTHQUAKE HAZARDS	Ground shaking, landslides, liquefaction and amplification are all earthquake hazards that can cause damage to structures and infrastructure. (Beaverton Natural Hazards Mitigation Plan)
EASEMENT	A form of nonpossessory right to use property owned by another for specific purposes or to gain access to some portion of another's property. For example, utility companies often have easements on the private property of individuals in order to install and maintain utility facilities.

E

EMPLOYMENT AREAS	Areas of mixed employment that include various types of manufacturing, distribution and warehousing uses, commercial and retail development as well as some residential development. Retail uses should primarily serve the needs of people working or living in the immediate employment area. Exceptions to this general policy can be made only for certain areas indicated in a functional plan. Commercial uses are to be limited.
ENCROACHMENT AREA	Areas in floodplains and floodways where development is restricted due to potential impacts on natural hydrologic characteristics. Development or raising of the ground level (e.g., to avoid flood damage) in encroachment areas will obstruct flood water flows, raising the water surface level. Demand to build structures in the flood plain, regardless of potential flooding dangers, is common in urban areas. Reasons typically include lack of suitable land or lower flat land development costs compared to building on steeper gradients.
ENDANGERED SPECIES	A species of animal or plant is considered to be endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes. (See Title 50 of the Code of Federal Regulations)
ENHANCE	To improve existing conditions by increasing the quantity or quality of beneficial uses.
ESSENTIAL PUBLIC FACILITIES	Essential facilities and services shall include schools, transit improvements, police protection, and public pedestrian and bicycle facilities.
ESTABLISHED NEIGHBORHOOD	A neighborhood where platted lands are at least eighty percent developed and occupied, and where substantial deterioration since development has either not occurred or been reversed.
FAMILY	(1) Two or more persons related by birth, marriage or adoption [U.S. Bureau of the Census]. (2) An individual or a group of persons living together who constitute a <i>bona fide</i> single family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club or other group of persons occupying a hotel, lodging house or institution of any kind.
FEASIBLE	Capable of being done, executed, or managed successfully from the standpoint of the physical and/or financial abilities of the implementer(s).

F

FLOODPLAIN	Land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events. The floodplain includes the land area identified and designated by the United States Army Corps of Engineers, the Oregon Department of State Lands, FEMA, or Washington County that has been or may be covered temporarily by water as a result of a storm event of identified frequency and the area along a watercourse enclosed by the outer limits of land that is subject to inundation in its natural or lower floodway fringe, and equal to the FIRM designation of an area of special hazard.
FLOODWAY	The floodway is the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights.
FLOOR AREA RATIO (FAR)	The amount of gross floor area in relation to the amount of net site area, expressed in square feet. (Beaverton Development Code)
FREEWAY	Freeways provide the highest level of connectivity. These roadways generally span several jurisdictions and are often of statewide importance.
FUNCTIONAL CLASSIFICATION OR MAP	Street Functional Classification
FUNCTIONAL PLAN	in the context of the Comprehensive Plan, Functional Plan means the Metro Urban Growth Management Functional Plan. Metro's Urban Growth Management Functional Plan is one of several Metro Functional Plans.
GOAL	A general, long term aim or end toward which programs or activities are ultimately directed.
GOALS	The mandatory statewide planning standards adopted by the Land Conservation and Development Commission pursuant to ORS chapters 195, 196, and 197. (ORS 197.015(8)) (OAR 660-018-0010(10))
GROSS ACRES	The entire acreage of a site, including proposed rights of way, easements, environmental lands, etc. Gross acreage is measured from the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.
GROUNDWATER	Water under the earth's surface, often confined <i>in</i> aquifers, capable of supplying wells and springs.
GROWTH CONCEPT	As defined in the Metro Regional Framework Plan, the Growth Concept is a concept for the long-term growth management of our region stating the preferred form of the regional growth and development, including where and how much the UGB should be expanded, what densities should characterize

G

	different areas, and which areas should be protected as open space.	
GROWTH CONCEPT MAP	The conceptual map demonstrating the 2040 Growth Concept design types attached to the Urban Growth Management Functional Plan Appendix and adopted as Metro Code 3.07.1010(z).	
GROWTH MANAGEMENT	A method to guide development in order to minimize adverse environmental and fiscal impacts and maximize the health, safety, and welfare benefits to the residents of the community.	
HABITAT	Any area where there is naturally occurring food and cover for wildlife.	H
HAZARDOUS MATERIALS	Hazardous material or substance includes but is not limited to a substance designated under 33 U.S.C. §1321 (b)(2)(A), any element, compound, mixture, solution or substance designated under 42 U.S.C. §9602, any hazardous waste having characteristics identified under or listed under 42 U.S.C. §6921, any toxic pollutant listed under 33 U.S.C. §1317 (a), any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United States Environmental Protection Agency has taken action under 15 U.S.C. §2606, and any residue classified as hazardous waste pursuant to ORS 466.020(3). (CWS Design and Construction Standards)	
HIGH CAPACITY TRANSIT	Transit routes that may be either a road designated for frequent bus service or for a light-rail line. (Metro Regional Framework Plan definition)	
HIGH OCCUPANCY VEHICLE (HOV)	Any vehicle other than a single occupancy vehicle (e.g., a vanpool, a bus, or two or more persons to a car).	
HIGHWAY	High speed, high capacity, limited access transportation facility serving regional and countywide travel. Highways may cross at a different grade level.	
HILLSIDE AREAS	Land that has an average percent of slope equal to or exceeding fifteen percent.	
HISTORIC	An historic building or site is one that is noteworthy for its significance in local, state, or national history or culture, its architecture or design, or its works of art, memorabilia, or artifacts.	
HISTORIC BUILDINGS OR STRUCTURES	Also known as Historic Resources, these are all areas, districts or sites containing properties listed on the city of Beaverton List of Historic Properties, or the State Historic Preservation Office, or the National Register of Historic Places.	

HOUSEHOLD	All those persons, related or unrelated, who occupy a single housing unit. (See <i>Family</i>)
HOUSING AFFORDABILITY	The availability of housing such that no more than 30 percent (an index derived from federal, state and local housing agencies) of the monthly income of the household need be spent on shelter. (Metro Regional Framework Plan definition)
HOUSING UNIT	The place of permanent or customary abode of a person or family. A housing unit may be a single family dwelling, multifamily dwelling, condominium, modular home, mobile home, cooperative, or any other residential unit considered real property under State law. A housing unit has, at least, cooking facilities, a bathroom, and a place to sleep.
IMPACT	The effect of any direct manmade actions or indirect repercussions of manmade actions on existing physical, social, or economic conditions.
IMPACT FEE	A fee, also called a development fee, levied on the developer of a project by a city, county, or other public agency as compensation for otherwise unmitigated impacts the project will produce.
INDUSTRIAL	Activities generating income from the production, handling or distribution of goods. Industrial uses include, but are not limited to manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, distribution and research and development. Industrial uses may have unique land, infrastructure and transportation requirements. Industrial uses tend to have external impacts on surrounding uses and cluster in traditional or new industrial areas where they are segregated from other non-industrial activities. (OAR 660-009-0005(2))
INDUSTRIAL AREAS	An area set aside for industrial activities. Supporting commercial and related uses may be allowed, provided they are intended to serve the primary industrial users. Residential development shall not be considered a supporting use, nor shall retail users whose market area is notably larger than the industrial area be considered supporting uses. (Metro Regional Framework Plan)
INDUSTRIAL PARK	See City of Beaverton Development Code
INFILL DEVELOPMENT	Development on scattered vacant sites within the urbanized area of a community.
INFLUENT	Wastewater coming into a treatment plant.
INFRASTRUCTURE	Component of a functioning, orderly urban fabric, such as roads, water systems, sewage systems, systems for storm drainage, telecommunications and energy transmission and

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distribution systems, bridges, transportation facilities, parks, schools and public facilities developed to support the functioning of the developed portions of the environment. Areas of the undeveloped portions of the environment such as floodplains, riparian and wetland zones, groundwater recharge and discharge areas and Greenspaces that provide important functions related to maintaining the region's air and water quality, reduce the need for infrastructure expenses and contribute to the region's quality of life. (Metro Regional Framework Plan definition)

INNER NEIGHBORHOODS

Areas in Portland and the older cities that are primarily residential, close to employment and shopping areas, and have slightly smaller lot sizes and higher population densities than in outer neighborhoods. (Metro Regional Framework Plan) Beaverton's Land Use Designation Neighborhood Residential identifies its Inner Neighborhoods.

INSTITUTIONAL

(1) Privately owned and operated activities that are institutional in nature, such as hospitals, museums, and schools; (2) churches and other religious institutions; and (3) other nonprofit activities of an education, youth, welfare, or philanthropic nature that cannot be considered a residential, commercial or industrial activity (4) academic, governmental and community service uses, either publicly owned or operated by nonprofit organizations; and (5) facilities including transportation, sewer, solid waste, drainage, potable water, and parks and recreation systems or facilities.

INTENSITY

A measure of land use activity based on density, use, mass, size, and/or impact.

LANDSCAPING

The combination of natural elements such as trees, shrubs, ground covers, vines and other living organic and inorganic material which are installed for purposes such as creating an attractive and pleasing environment and screening unsightly views. Other improvements that promote an attractive and pleasing environment that may be included as landscaping includes features such as fountains, patios, decks, fences, street furniture and ornamental concrete or stonework areas. (Beaverton Development Code)

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LANDSCAPE STRIP

The portion of public right-of-way located between the sidewalk and curb. (Metro Code 3.07.1010(ee))

LAND USE

The occupation or use of land or water area for any human activity or any purpose defined in a comprehensive plan.

LAND USE MAP (SERIES)

The graphic aid(s) intended to depict the spatial distribution of various land uses by land use category, subject to the goals,

	policies, implementation measures; and the exceptions and provisions of the Land Use Element text and applicable land development regulations.
LAND USE REGULATION	Any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. (ORS 197.015(11))
LEVEL OF SERVICE (LOS)	An indicator of the extent or degree of service provided by or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service generally indicates the capacity per unit of demand for a public facility.
LIGHT RAIL TRANSIT (LRT) STATION SITE	Land currently or eventually to be owned or leased by Tri-Met, on which facilities will be located related to a light rail transit station. The station site may include station platforms, park and ride lots, bus stops, and other similar facilities. (Beaverton Development Code)
LOCAL STREET	Local streets have the primary function of providing access to adjacent land. Service to through-traffic movement on local streets is deliberately discouraged by design. Residential local streets serve a traffic function as well as being important to neighborhood identity.
LOCAL TRIP	A trip of 2½ miles or less in length.
LOT OF RECORD	A lot that is part of a subdivision, the plat of which has been recorded in the Office of the Washington County Surveyor; or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office of the County Surveyor, provided such lot met the minimum dimensions for lots in the zoning district in which it was located at the time of recording, or was recorded prior to the effective date of zoning in the area where the lot is located and met the requirements of any subdivision regulations in effect at the time of the recording.
LOT	A single unit of land such as a tract, lot, block or parcel. A continuous area owned or under the lawful control and in the lawful possession of one distinct ownership undivided by a dedicated street, alley, or other ownership. An abutting "platted lot, or property described by metes and bounds, in the same ownership, shall be considered part of such 'lot'."

MAJOR PEDESTRIAN ROUTE	Any pedestrian way in a public right-of-way or easement which assists access to a light rail station or transit stop, that is presently used or is likely to be to be used by pedestrians to access public transportation service including light rail or transit stations. (Beaverton Development Code)
MAIN STREETS	Neighborhood shopping areas along a main street or at an intersection, sometimes having a unique character that draws people from outside the area. Beaverton's main streets generally include two nodes on Allen Boulevard 1) between Hall Boulevard and Murray Road, and 2) at Oleson Road.
MANUFACTURED HOME	A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. (ORS 446.003(26)(a)(C)(i))
MASS TRANSIT	Passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rapid rail transit, light rail transit, fixed guideway transit, express bus, and local fixed route bus.
MASTER PLAN	A plan for a defined geographic area in single or multiple ownership that is consistent with the Comprehensive Plan and includes a land use and circulation plan, land use regulations, development standards, design guidelines, open space plan, utilities plans, and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the land use review process, pursuant to the City of Beaverton Development Code. (Beaverton Development Code)
METRO	The Metropolitan Services District of the Portland metropolitan area, a municipal corporation established and existing pursuant to Section 14 of Article XI of the Oregon Constitution, ORS Chapter 268 and the Metro Charter. (Metro Code 1.01.040(e))
METRO PLANNING GOALS AND OBJECTIVES	The land use goals and objectives that a metropolitan service district is required to adopt under ORS 268.380(1). The goals and objectives do not constitute a comprehensive plan. (ORS 197.015(15))
METRO REGIONAL FRAMEWORK PLAN	The regional framework plan and implementing ordinances required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan. (ORS 197.015(16))

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METRO URBAN GROWTH BOUNDARY The urban growth boundary as adopted and amended by the Metro Council, consistent with state law. Also referred to as “UGB”. (Metro Code 3.07.1010(kk))

Means the Urban Growth Boundary for Metro pursuant to ORS 268.390 and 197.005 through 197.430. (Metro Code 1.01.010(v))

METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN The functional plan that implements regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO), including the Metro 2040 Growth Concept and the Regional Framework Plan. (Metro Code 3.07.010)

METROPOLITAN AREA The area which on October 4, 1997, lies within the boundaries of Clackamas, Multnomah and Washington Counties (ORS 268.020(3))

METROPOLITAN HOUSING RULE A rule (OAR 660, Division 7) adopted by the Land Conservation and Development Commission to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro UGB. This rule establishes minimum overall net residential densities for all cities and counties within the UGB, and specifies that 50 percent of the land set aside for new residential development be zoned for multi-family housing.

METROPOLITAN SIGNIFICANCE An issue or action with major or significant impact throughout the metropolitan area.

MIXED USE Comprehensive plan or implementing regulations that permit a mixture of commercial and residential development.

Properties on which various uses, such as office, commercial, institutional and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. Land uses, which when combined constitute mixed or multiple uses, exclude parks, golf courses, schools, and public facilities (fire stations, utility substations, etc.).

Mixed- use development is a type of multiple-use in which one or more structures on a lot or contiguous lots in common ownership, accommodate any of the following combinations of uses

- (1) Residential Mixed-Use Project with residential units occupying a minimum of 25 percent of the total floor area and the remaining floor area occupied by retail, office, light industrial, community service or other residentially compatible uses or combinations thereof;
- (2) Non-Residential Mixed-Use Project consisting of office retail, light industrial, community service or other compatible uses or combination thereof with retail space

or other pedestrian oriented commercial uses occupying a minimum of 60% of the street level building frontage.

A building or groups of buildings under one ownership, to encourage a diversity of compatible land uses, which may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses.

MOBILE HOME

A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

MULTI-FAMILY DWELLING UNITS

Means attached housing where each dwelling unit is not located on a separate lot. (OAR 660-007-0005(11))

MULTI-MODAL

Transportation facilities or programs designed to serve many or all methods of travel, including all forms of motor vehicles, public transportation, bicycles and walking. (Metro Code 3.07.1010(rr))

MULTI-USE OR SHARED-USE PATH

Multi-use or Shared-use path means an off-street path that can be used by several transportation modes including bicycles, pedestrians, and other non-motorized modes. Multi-use paths accommodate two-way travel.

MULTIPLE USE DEVELOPMENTS

A building or groups of buildings designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: residential, office, retail, recreational, light industrial, and other miscellaneous uses. (Beaverton Development Code)

NATURAL AREA

Any landscape unit substantially without any human development that is substantially in a native and unaffected state and may be composed of plant and animal communities, water bodies, soil and rock and mitigated habitat. Natural areas must be identified in a city, county or special district open space inventory or plan. (Metro Code 3.01.010(h))

Natural areas may include, but are not limited to, wetlands, riparian areas, Significant Natural Resource Areas, and significant groves of trees. (Beaverton Development Code)

NEEDED HOUSING

Housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing" also means:

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- (a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated dwelling subdivisions. (ORS 197.303(1)) (OAR 660-007-00005(12))

NEIGHBORHOOD ROUTE

A street that is usually long relative to local streets and provides connectivity to collectors or arterials. Neighborhood routes generally have more traffic than local streets and are used by residents in the area to get into and out of the neighborhood, but do not serve citywide or large area circulation.

NET DEVELOPABLE ACRE

The net developable acreage for a site is defined as the proposal size expressed in acreage minus any unbuildable area. The following areas are deemed undevelopable for the purposes of calculating net developable acreage:

- 1) Street dedications and those areas used for private streets and common driveways; and
- 2) Environmentally constrained lands, such as open water areas, floodplains, water quality facilities, wetlands, natural resource areas and tree preservation areas set aside in separate tracts or dedicated to a public entity, and
- 3) Land set aside in separate tracts or dedicated to a public entity for schools, parks, or open space purposes. (Beaverton Development Code)

NET BUILDABLE LAND

See Net Developable Acre.

NET DEVELOPED ACRE

Consists of 43,560 square feet of land, after excluding present and future rights-of-way, school lands and other public uses. (Metro Code 3.07.1010(vv))

Consists of 43,560 square feet of residentially designated buildable land, after excluding present and future rights-of-way, restricted hazard areas, public open spaces and restricted resource protection areas. (OAR 660-0007-0005(1))

NEWSPAPER

A newspaper of general circulation, published in the English language for the dissemination of local or transmitted news or for the dissemination of legal news, made up of at least four pages of at least five columns each, with type matter of a depth of at least 14 inches, or, if smaller pages, then comprising and equivalent amount of type matter, which has bona fide subscribers representing more than half of the total

distribution of copies circulated, or distribution verified by an independent circulation auditing firm, and which has been established and regularly and uninterrupted published at least once a week during a period of at least 12 consecutive months immediately preceding the first publication of a public notice. (ORS 193.101(2))

NOTICE

Any notice that is required by law to be published. (ORS 193.310(2))

OBJECTIVE

A specific, measurable, intermediate end that is achievable and marks progress toward a goal. An objective should be achievable and, where possible, should be measurable and time specific.

OFFICE

A structure for conducting business, professional, or governmental activities in which the showing or delivery from the premises of retail or wholesale goods to a customer is not the typical or principal activity. Office uses include general business offices, medical and professional offices, administrative or headquarters offices for large wholesaling or manufacturing operations, and research and development.

OPEN SPACE

Publicly and privately-owned area of land, including parks, natural areas and areas of very low density development inside the UGB. Open spaces may include active or passive recreation. (Metro Regional Framework Plan)

PARCEL

A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.

PARK

Open space land on which the primary purpose is recreation. A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district.

PARK AND RIDE

A parking facility near a transit station or stop for the purpose of parking motor vehicles by transit riders. (Beaverton Development Code)

A mode of travel usually associated with movements between work and home that involves use of a private auto on one portion of the trip and a transit vehicle (i.e., a bus or a light-rail vehicle) on another portion of the trip. A park-and-ride trip could consist of an auto trip from home to a parking lot, and transfer at that point to a bus in order to complete the work trip. (Metro Regional Transportation Plan Definition)

PARKING RATIO	The number of parking spaces provided per employee or per 1,000 square feet of floor area (e.g., 2:1 or "two per thousand").
PARKING STRUCTURE	A parking garage located above or underground consisting of two (2) or more levels.
PEAK HOUR/PEAK PERIOD	For any given roadway, a daily hour or longer period of time during which traffic volume is highest, usually occurring during morning and evening commute times. Where "F" Levels of Service exist, the "peak hour" may stretch into a "peak period" of several hours duration.
PEDESTRIAN ORIENTED DESIGN	Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic. (Adapted from the Model Development Code and User's Guide for Small Cities, Funded by the Transportation and Growth Management Program of the Oregon Department of Transportation and Oregon Department of Land Conservation and Development)
PEDESTRIAN SCALE	Site and building design elements that are dimensionally smaller than those intended to accommodate automobile traffic flow and buffering. Examples include ornamental lighting no higher than twelve feet; bricks, pavers or other paving modules with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the perception of the height of walls; and signage and signpost details designed for viewing from a short distance.
PEDESTRIAN WAY	Any paved public or private route intended for pedestrian use, including a multi-use path and esplanade, regardless of use by other transportation modes. A general term used to describe any sidewalk or walkway that is intended and suitable for pedestrian use. (Beaverton Development Code) "Paved" can include any Americans with Disability Act approved surface including pavements and surfaces that are pervious.
PERSON	A natural or artificial person, including but not limited to, a human, corporation, partnership, unit of government, an agency, a trust or descendant's estate, or other legal entity whatsoever.
PEOPLE OR PERSONS PER ACRE	This is a term expressing the intensity of building development by combining residents per net acre and employees per net acre. (Metro Code 3.07.1010(zz)) (Metro Regional Framework Plan definition)

PLANNING COMMISSION	The Planning Commission of the City or any subcommittee thereof. (Beaverton Development Code)
POLICY	The way in which programs and activities are conducted to achieve an identified goal. A general direction that a governmental agency sets to follow, in order to meets its goals through implementation measures or action programs.
PRACTICABLE	Capable of being accomplished after taking into consideration barriers both existing and reasonably foreseeable.
PRINCIPLE	An assumption, fundamental rule, or doctrine that will guide comprehensive plan policies, proposals, standards and implementation measures.
PROGRAMMED	A facility that has been officially scheduled for construction in a Capital Improvements Program, Budget, or other local, state, or federal funding document.
PUBLIC FACILITIES	A public facility includes water, sewer and transportation facilities.
PUBLIC RIGHT-OF-WAY	Land that by deed, conveyance, agreement, easement, dedication, usage or process of law is conveyed, reserved for or dedicated to the use of the general public for street, road or highway purposes, including curbs, gutters, parking strips, pedestrian ways, and sidewalks and bicycle trails. (BC 5.05.015)
PUBLIC ROAD	Every public way, road, highway thoroughfare and place including bridges, viaducts and other structures, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right. (BC 6.02.030)
PUBLIC WORKS DIRECTOR	The director of the Public Works Department of the City of Beaverton, Oregon, or designee.
RARE OR ENDANGERED SPECIES	A species of animal or plant listed in Title 50, Code of Federal Regulations, Section 17.11 or 17.2, pursuant to the Federal Endangered Species Act designating species as rare, threatened, or endangered.
RECREATION	The pursuit of leisure time activities occurring in an indoor or outdoor setting.
RECREATION, ACTIVE	A type of recreation or activity that requires the use of organized play areas including, but not limited to, softball, baseball, football and soccer fields, tennis and basketball courts and various forms of children's play equipment.
RECREATION, PASSIVE	A type of recreation or activity that does not require the use of organized play areas, and which may function as a view shed (an elevation in the earth's surface from which a view may be seen.), etc. (See <i>Open Space</i>)

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REDEVELOPABLE LAND	Land on which development has already occurred which, due to present or future market forces, there exists the strong likelihood that existing development will be converted to more intensive uses during the planning period. (Metro Code 3.07.1010(ddd))
REDEVELOPMENT	Development of land that replaces previous development, usually to achieve a higher return on the owner's investment. Redevelopment may occur due to market forces if the value of land equals or exceeds the value of improvements on that land. A local government may assist in redevelopment by means such as paying for certain on or off-site facilities (e.g. streets or parking structures), assembling small parcels to create a larger site, reducing or deferring up-front development fees, or reducing property taxes over a certain time period. For purposes of the City's commercial and industrial, and residential, buildable lands inventories (Volume II of the Comprehensive Plan) any parcel with a land value to improvement value ratio of 1.25: 1 or greater is assumed to have development or redevelopment potential.
REGIONAL	Pertaining to activities or economies at a scale greater than that of a single city, county, or combination thereof, and affecting a broad, related area. (Metro Regional Framework Plan definition)
REGIONAL CENTER	<p>Areas of mixed residential and commercial use that serve hundreds of thousands of people and are easily accessible by different types of transit. Examples include traditional centers such as downtown Gresham and new centers such as Clackamas Town Center. (Metro Regional Framework Plan)</p> <p>Seven regional centers in the Metro region are the focus of compact development, redevelopment and high-quality transit service and multi-modal street networks. (Metro Code 3.07.130, updated) An average of 60 persons per acre is recommended. (Metro Code 3.07.170)</p>
REGIONAL FRAMEWORK PLAN	Required of Metro under the Metro Charter, the Regional Framework Plan must address nine specific growth management and land use planning issues (including transportation), with the consultation and advice of the Metropolitan Policy Advisory Committee.
REGIONAL TRANSPORTATION PLAN	The official intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for the metropolitan planning area. (Metro Framework Plan definition)
REGIONAL URBAN GROWTH GOALS AND OBJECTIVES	The land use goals and objectives that Metro is required to adopt under ORS 268.380(1). (Metro Code 3.07.1010(eee))

	An urban growth policy framework that represents the starting point for the agency's long-range planning program. (Metro Regional Framework Plan definition)
REGULATION	A rule or order prescribed for management of government.
RESIDENTIAL USE	Activities within land areas used predominantly for housing.
RESIDENTIAL, MULTIPLE FAMILY	See Multi Family Dwelling Unit
RESIDENTIAL, SINGLE FAMILY	A single dwelling unit on a building site.
RETAIL	Activities which include the sale, lease or rent of new or used products to the general public or the provisions of product repair or services for consumer and business goods.
RIGHT-OF-WAY	Land in which the state, a county, or a municipality owns the fee simple title or holds an easement or dedication dedicated or required for a transportation or utility use. A strip of land over which transportation and public use facilities are built, such as roadways, railroads, and utility lines.
RIPARIAN	A zone of transition from an aquatic ecosystem to a terrestrial ecosystem as defined in ORS 541.351(10). (OAR 141-085-0010(188))
RIPARIAN AREA	A zone of transition from an aquatic ecosystem to a terrestrial ecosystem, dependent upon surface or subsurface water, that reveals through the zone's existing or potential soil-vegetation complex the influence of such surface or subsurface water. A riparian area may be located adjacent to a lake, reservoir, estuary, pothole, spring, bog, wet meadow, muskeg or ephemeral, intermittent or perennial stream. (ORS 541.351(10)) (OAR 690-300-0010(44))
RIPARIAN CORRIDOR	The water influences area adjacent to a river, lake or stream consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem where the presence of water directly influences the soil-vegetation complex and the soil-vegetation complex directly influences the water body. It can be identified primarily by a combination of geomorphologic and ecologic characteristics. (Metro Code 3.07.1010(iii)) A Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary (OAR 660-023-090(1)(c))
RISK	The danger or degree of hazard or potential loss.
ROAD	The entire right -of- way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to: <ul style="list-style-type: none"> (a) Ways described as streets, highways, throughways or alleys;

- (b) Road-related structures that are in the right-of-way such as tunnels, culverts or similar structures; and
- (c) Structures that provide for continuity of the right of way such as bridges. (ORS 368.001(6))

RUNOFF	That portion of precipitation that does not percolate into the ground and is instead discharged into streams.
SCALE	Generally refers to relative size or extent.
SCENIC VIEWS AND SITES	Lands that are valued for their aesthetic appearance. (OAR 660-023-230(1))
SEISMIC	Caused by or subject to earthquakes or earth vibrations.
SETBACK	<p>The distance between the property line and any structure.</p> <p>The minimum allowable horizontal distance from a given point or line of reference to the nearest vertical wall or other element of a principal building or structure as defined herein. The point of line of reference will be the lot line following any required dedication, or a special or reservation line if one is required pursuant to this ordinance. (Beaverton Development Code)</p>
SHALL, MUST OR MAY	“Shall and must” are mandatory and “may” is permissive. (BC)
SHALL (WILL), V.	A directive verb signifying the action is obligatory or necessary.
SHARED ROADWAY	A shared roadway is a street that is recommended for bicycle use but does not have a specific area designated within the right-of-way. (Beaverton Development Code)
SHARED-USE OR MULTI-USE PATH	Shared-use or Multi-use path means an off-street path that can be used by several transportation modes including bicycles, pedestrians, and other non-motorized modes. Shared-use paths accommodate two-way travel. (Beaverton Development Code)
SHOULD, V.	A directive verb signifying the action is to be carried out unless circumstances make it impracticable .
SIGNIFICANT NATURAL RESOURCES	Areas identified on the City’s Statewide Planning Goal 5 Inventories, Volume III of the Comprehensive Plan. (Beaverton Development Code)
SINGLE FAMILY ATTACHED DWELLINGS	A structure containing two or more single family dwelling units with both side walls (except end units of building) attached from ground to roof.
SINGLE FAMILY DETACHED DWELLING	A dwelling unit that is free standing and separate from other dwelling units. (OAR 660-007-0005(4))

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SINGLE FAMILY DWELLING	A structure containing one or more single family units with each unit occupying the building from ground to roof.
SINGLE OCCUPANT VEHICLE (SOV)	Private passenger vehicle carrying one occupant. (Metro Code 3.07.1010(ooo)) (Metro Regional Framework Plan definition)
SITE	Any tract, lot or parcel of land or combination of tracts, lots or parcels of land that are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project. SLOPE Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent.
SLOPE	Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent.
SOIL	The unconsolidated material on the immediate surface of the earth created by natural forces that serves as natural medium for growing land plants.
SOLID WASTE	"Solid Waste" shall have the same meaning as given that term under Beaverton Code section 4.08.030.
SPECIAL DISTRICT	Any unit of local government, other than a city, county, metropolitan service district formed under ORS Chapter 268 or an association of local governments performing land use planning functions under ORS 195.025 authorized and regulated by statute and includes but is not limited to: Water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts. (ORS 197.015(19)) Any "district" formed under ORS 198.
STANDARDS	A rule or measure establishing a level of quality or quantity that must be complied with or satisfied.
STATE IMPLEMENTATION PLAN	A plan for ensuring that all parts of Oregon remain in compliance with federal air quality standards.
STATEWIDE PLANNING GOALS	The mandatory state-wide planning standards adopted by the Land Conservation and Development Commission pursuant to ORS Chapters 195, 196 and 197. (ORS 197.015(8))
STATION COMMUNITIES	That area generally within a ¼ - to ½ - mile radius of light-rail stations or other high-capacity transit that is planned as a multi-modal community of mixed uses and substantial pedestrian accessibility improvements. (Metro Regional Framework Plan) Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature

	a high-quality pedestrian environment. (Metro Code 3.01.130) An average of 45 persons per acre is recommended. (Metro Code 3.01.170)
STORM WATER	The water that runs off only from impervious surfaces during rain events. (CWS Design and Construction Standards)
STREAM	Means a body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment. (Metro Code 3.01.1010(qqq)).
STREAM CHANNEL	A natural (perennial or intermittent stream) or human made (e.g. drainage ditch) waterway of perceptible extent that periodically or continuously contains moving water and has a definite bed and banks that serve to confine the water. (OAR 141-085-0010(22))
STREET	(1) means a public way, road, highway, thoroughfare or place, including bridges, viaducts and other structures used or intended for use of the general public for pedestrian, bicycle, and vehicular travel as a matter of right, or (2) when used with the word "private" as a modifier, means a non-public way, road, highway, thoroughfare or place, including bridges, viaducts and other structures, exclusively used or intended for the exclusive use of the underlying property owner or, other persons, for pedestrian, bicycle, and vehicular travel. (Proposed Engineering Design Manual and Standard Drawings Definition)
STREET FUNCTIONAL CLASSIFICATION	The assignment of streets into categories according to the character of service they provide in relation to the total street network. Basic functional categories in Beaverton include freeways, arterials, collectors, neighborhood routes, and local streets. Functional classification reflects mobility, access needs, and connectivity. Where appropriate, the levels may be further grouped into urban and rural categories.
STREET FURNITURE	Those features associated with a street that are intended to enhance its physical character and use by pedestrians, such as benches, trash receptacles, kiosks, lights, newspaper racks.
STEWARDSHIP	A planning and management approach that considers environmental impacts and public benefits of actions as well as public and private dollar costs.
SUBDIVISION	The division of a tract of land into defined lots, parcels, tracts, or other divisions of land as defined in applicable State statutes and local land development regulations, subdivided lots can be separately conveyed by sale or lease, and altered, or developed.

SUBURBAN	Generally, development on the periphery of urban areas, which is predominantly residential in nature and has most urban services available. The intensity of suburban development is usually lower than in urban areas.
SURFACE WATER	Water that drains from the landscape via overland flow or ground water resurgence. Surface water flows can and often do include storm water runoff. (CWS Design and Construction Standards)
SYSTEM DEVELOPMENT CHARGE	Means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the local government for its average cost of inspecting and installing connections with water and sewer facilities. (ORS 223.299(4)(a))
TARGET DENSITIES	The average combined household and employment densities established for each design type in the Regional Urban Growth Goals and Objectives 2040 Growth Concept. (Metro Code 3.07.1010(ttt))
TOWN CENTERS	<p>Areas of mixed residential and commercial use that serve tens of thousands of people. Examples include the downtowns of Forest Grove and Lake Oswego. (Metro Regional Framework Plan) Town centers provide local shopping, employment and cultural and recreational opportunities within a local market area. They are designed to provide local retail and services, at a minimum. They would also vary greatly in character.</p> <p>Compact development and transit service should be provided in town centers. An average of 40 persons per acre is recommended. (Metro Code 3.07.170)</p>
TOWNHOUSES	Two or more attached single family dwelling units within a structure having common side walls, front and rear yards, and individual entryways. (See Single Family Attached Dwellings)
TRAFFIC CALMING	A traffic management program usually designed to address safety and aesthetic issues related to automobile use in residential areas, and which reduces the operating speed of motor vehicles. Features include, landscaping, walkways, speed swales, roadway narrowing and/or increasing the width of bicycle lanes and sidewalks.

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TRAFFIC INTENSIVE USES	A land use that attracts or generates a relatively high level of traffic activity. A non exhaustive list of such uses would include drive through facilities, supermarkets, and most retail shopping centers. The ITE Trip Generation manual shall be the city's primary reference source for determining whether a particular proposed use is traffic intensive or not.
TRANSIT	For the purposes of the Comprehensive Plan, this term refers to publicly funded and managed transportation services and programs within the urban area, including light-rail, regional rapid bus, frequent bus, primary bus, secondary bus, minibus, paratransit and park-and-ride. (Metro Regional Transportation Plan definition)
TRANSPORTATION OR TRAVEL DEMAND MANAGEMENT (TDM)	A strategy or action for reducing demand on the road system by reducing the number of vehicles using streets and roads, and/or increasing the number of persons per vehicle. Typically, TDM attempts to reduce the number of persons who drive alone during peak commute periods and to increase the number of people commuting via carpools, vanpools, buses and trains, walking, and biking.
TRANSPORTATION PLANNING RULE	The implementing rule of statewide land use planning Goal #12 dealing with transportation, as adopted by the State Land Conservation and Development Commission. (Metro Framework Plan definition)
TRANSPORTATION SYSTEM PLAN	A plan for one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas. (Metro Regional Framework Plan definition) (OAR 660-012-0005(32))
TREES, STREET	Any tree located within public or private right of way or an easement for vehicular access, or associated public utility easements. (Beaverton Development Code)
TRIP GENERATION	The dynamics that account for people making trips in automobiles or by means of public transportation. Trip generation is the basis for estimating the level of use for a transportation system and the impact of additional development or transportation facilities on an existing, local transportation system.
TURBIDITY	A measure of water agitation.

URBAN	Generally, an area having the characteristics of a city, with intensive development and a full or extensive range of public facilities and services.
URBAN FORM	The net result of efforts to <u>preserve</u> environmental quality, <u>coordinate</u> the development of jobs, housing and public services and facilities, and <u>interrelate</u> the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another.
URBAN GROWTH BOUNDARY	An acknowledged urban growth boundary contained in a city or county comprehensive plan or an acknowledged urban growth boundary that has been adopted by a metropolitan service district council under ORS 268.390(3). (ORS 195.060(2))
URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN	See Metro Urban Growth Management Functional Plan.
URBAN PLANNING AREA	A geographical area within an urban growth boundary. (OAR 660-003-0005(6))
URBAN SERVICES	The term includes the following services and facilities: a public sanitary and storm sewer system, a public water supply, a street system, police and fire protection, public schools, public parks and library services. (Beaverton Development Code)
URBAN SERVICE AREA	The area for which the City is the appropriate and agreed-upon long-term provider of municipal services except for those services that are to be provided by a special or county service district. (Beaverton – Washington County Intergovernmental Agreement Interim Urban Services Plan)
URBAN SERVICE BOUNDARY	The boundary establishing the extent of the City's direct interest and involvement in planning for and coordination of public facilities and services and the extent of the City's annexation interest.
USE	The main or primary purpose of which land or a structure is designed, arranged or intended or for which it is occupied or maintained. (Beaverton Development Code)
USE PERMIT	The discretionary and conditional review of an activity or function or operation on a site or in a building or facility.
VACANT	Lands or buildings that are not actively used for any purpose.
VACANT LAND	Land identified in the Metro or local government inventory as undeveloped land. (Metro Code 3.07.1010(zzz))
VARIANCE	A discretionary decision to permit modification of the terms of an implementing ordinance based on a demonstration of unusual hardship or exceptional circumstance unique to a specific property. (Metro Code 3.07.1010(aaaa))

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VEGETATIVE CORRIDOR A corridor adjacent to a water quality sensitive area that is preserved and maintained to protect the water quality functions of the water quality sensitive area. (CWS Design and Construction Standards)

VIEW CORRIDOR The line of sight, identified as to height, width and distance, of an observer looking toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.); the route that directs the viewers' attention.

VOLUME-TO-CAPACITY RATIO A measure of the operating capacity of a roadway or intersection, in terms of the number of vehicles passing through, divided by the number of vehicles that theoretically could pass through when the roadway or intersection is operating at its designed capacity. Abbreviated as "v/c". At a v/c ratio of 1.0, the roadway or intersection is operating at capacity. If the ratio is less than 1.0, the traffic facility has additional capacity. Although ratios slightly greater than 1.0 are possible, it is more likely that the peak hour will elongate into a "peak period." (See *Peak Hour* and *Level of Service*)

WAREHOUSE A structure that is primarily used for storage and distribution facilities.

WATER QUALITY SENSITIVE AREA or "sensitive area"

A) shall include the following:

1. Existing or created wetlands;
2. Rivers, streams, and springs, whether flow is perennial or intermittent;
3. Natural lakes, ponds and instream impoundments

B) Sensitive areas shall not include:

1. Stormwater infrastructure
2. A vegetated corridor (a buffer) adjacent to the sensitive area;
3. An off-stream recreational lake, lagoon, fire pond or reservoir; or
4. Drainage ditches.

(CWS Design and Construction Standards)

WATERSHED The entire land area drained by a stream or system of connected streams such that all stream flow originating in the area is discharged through a single outlet. (ORS 541.351(14))

WETLANDS Those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Categories of wetlands include:

- a) Created Wetlands: those wetlands developed in an area previously identified as non-wetland to replace, or mitigate

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wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.

b) **Constructed Wetlands:** those wetlands developed as a storm water facility, subject to change and maintenance as such. These areas must be clearly defined or separated from existing or created wetlands. Constructed wetlands shall be regulated as created wetlands only if they serve as wetland mitigation.

c) **Existing Jurisdictional Wetlands:** jurisdictional wetlands as determined by the Department of State Lands (DSL) or the US Army Corps of Engineers (COE).

(CWS Design and Construction Standards)

ZONE, TRAFFIC

In a mathematical traffic model the area to be studied is divided into zones, with each zone treated as producing and attracting trips. The production of trips by a zone is based on the number of trips to or from work or shopping, or other trips produced per dwelling unit.

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ZONING

In general, the demarcation of an area by ordinance (text and map) into zones and the establishment of regulations to govern the uses within those zones (commercial, industrial, residential, type of residential) and the location, bulk, height, shape, use, and coverage of structures within each zone.

ZONING, INCLUSIONARY

Regulations that increase housing choice by requiring construction of more diverse and economical housing to meet the needs of low income families. Such regulations often require a minimum percentage of housing for low and/or moderate income households in new housing developments.

**BEFORE THE PLANNING COMMISSION FOR
THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF CPA2006-0001,)	ORDER NO. 1859
A REQUEST TO AMEND COMPREHESIVE)	APPROVING REQUEST.
PLAN CHAPTERS 1 AND 2 AND THE)	
GLOSSARY. CITY OF BEAVERTON,)	
APPLICANT.)	

The matter of CPA2006-0001 was initiated by the City of Beaverton, through the submittal of a legislative amendment application to the Comprehensive Plan.

Pursuant to the amendment procedures as described in Chapter 1 Section 1.3 of Ordinance 4187, the Comprehensive Plan, effective through Ordinance 4375, the Planning Commission conducted a public hearing on March 15, April 5, and April 12, 2006, and considered oral and written testimony and exhibits for a proposed legislative amendment to the Comprehensive Plan.

CPA2006-0001 proposes to amend the Comprehensive Plan Chapters 1 and 2 and Glossary definitions to address deficiencies and inconsistencies with the Development Code and State law. More specifically, the proposed amendment includes all pertinent information and steps regarding amendment categories, amendment procedures, noticing requirements and remand procedures, thereby updating work completed in 1996 as a result of Periodic Review. Flowcharts at the end of Chapter 1 are updated to reflect

the proposed amendment procedures. Defined terms in the Glossary generally include only those necessary to lend clarity to the text or that may be used in future Planning Commission deliberations.

The Planning Commission adopts by reference the staff reports and memoranda prepared for CPA2006-0001 dated March 15, 2006, April 5, 2006, and April 12, 2006, and finds they provide evidence and findings demonstrating the application satisfies all the approval criteria for a Legislative Comprehensive Plan Amendment, as contained in Section 1.3.1 of the Comprehensive Plan.

The Planning Commission concurs with the staff recommendation in the memorandum from Planning Services Manager Hal Bergsma to the Planning Commission dated April 12, 2006, except that the definitions for the terms "adverse impact" and "town center" shall be amended as shown in Exhibit A to this order, and therefore:

IT IS HEREBY ORDERED that pursuant to Section 1.3, of the Beaverton Comprehensive Plan, the Planning Commission **RECOMMENDS APPROVAL** of CPA2006-0001, by the City Council, and adoption of the text modifications as shown in Exhibit A to this order.

Motion **CARRIED** by the following vote:

AYES:	Maks, Winter, Bobadilla, Kroger, Pogue, Stephens, and Johansen.
NAYS:	None.
ABSTAIN:	None.
ABSENT:	None.

Dated this 24th day of April, 2006.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1859, an appeal must be filed on an Appeal form provided by the direct at the City of Beaverton Recorder's Office by no later than 5:00 p.m. on May 4th, 2006.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

Hal Bergsma

HAL BERGSMA
Planning Services Manager

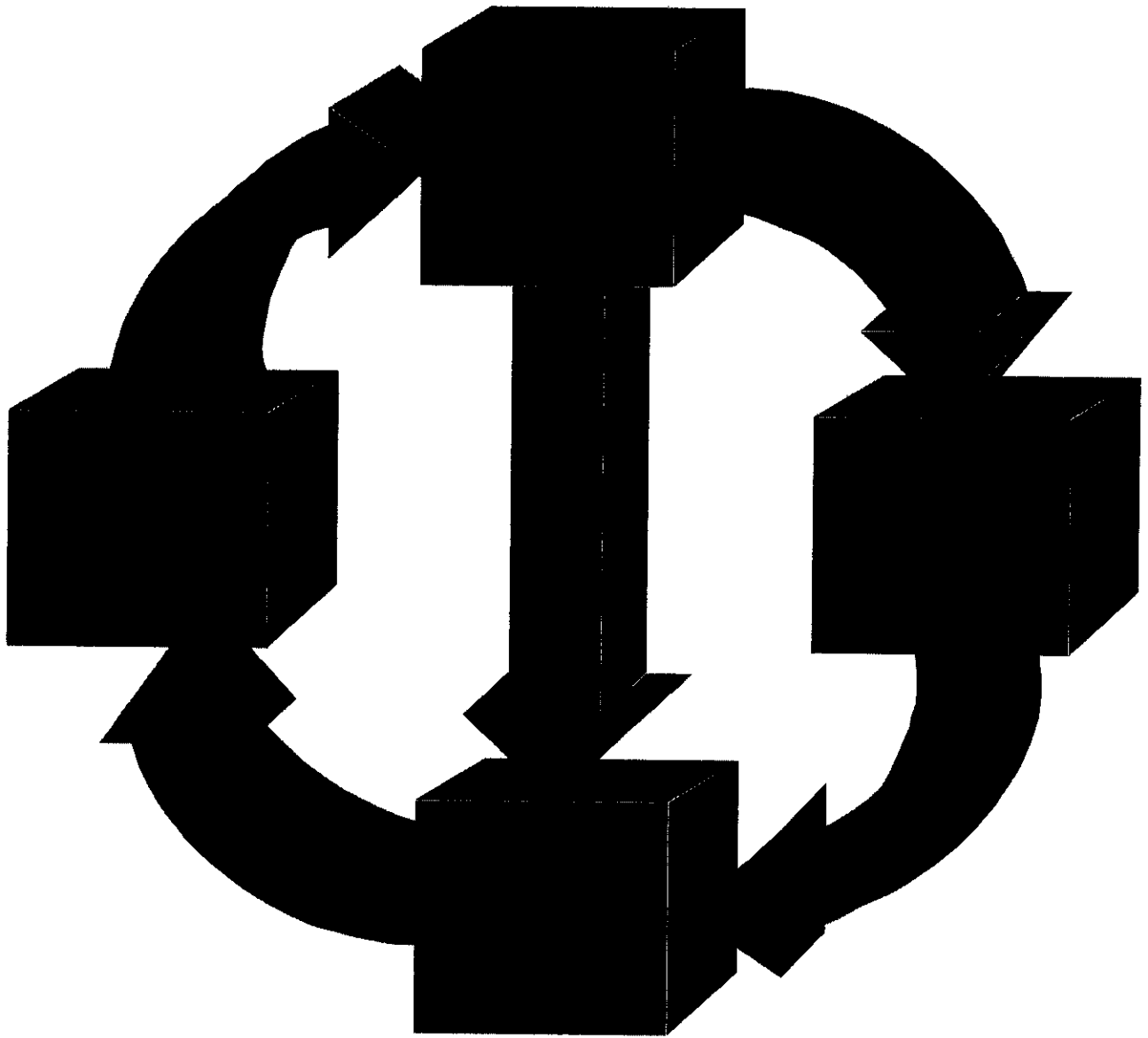
APPROVED:

Eric Johansen

ERIC JOHANSEN
Chairman

EXHIBIT A

CHAPTER ONE: COMPREHENSIVE PLAN AMENDMENT PROCEDURES ELEMENT



COMPREHENSIVE PLAN AMENDMENT PROCEDURES

1.1 QUARTERLY REVIEW AMENDMENT INITIATION.

~~Amendments to the Comprehensive Plan may be initiated by City Council, the Planning Commission, the Mayor, the Community Development Director, or the Engineering Director at any time. Landowners may also initiate an amendment to the Land Use Map pertaining only to their property at any time. or any other person or groups of persons. Amendment requests may be submitted to the Commission by the Planning Director at any time. Amendment requests will be processed as a package of amendments on a quarterly basis.~~

1.1.1 City-initiated Amendments

~~Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing or City Council consideration. The Planning Commission and City Council reserve have the right to accept, reject, alter or modify any specific request for amendment in accordance with the City's policies and procedures, and in such a manner as will be most beneficial to the citizens of Beaverton. Only those requests for comprehensive plan amendments accepted by the Planning Commission prior to the fifteenth day of January, April, July and October will be processed during the quarter year which begins with that month.~~

~~The Planning Commission or City Council may enlarge or reduce the geographic area of proposed map amendments, investigate alternative land use designations to those requested, or combine the request with other similar requests. City-initiated amendments for comprehensive study and determination. If the decision to modify a requested amendment is made after public hearing notice has been provided, the notice shall be reissued and, if necessary, the hearing rescheduled. The Planning Commission, may establish subcommittees, or in response to direction from the Mayor or City Council, create citizen committees or task forces to aid and assist them in arriving at recommendations on plan amendments.~~

~~The Council may allow an amendment to proceed under an accelerated amendment process and order a suspension of the quarterly cycle when the quarterly cycle will inhibit the timely consideration of City initiated amendments which would have the effect of:~~

- ~~1. protecting the public health, safety or welfare, or~~
- ~~2. complying with federal or state judicial or legislative actions or mandates, or the requirements of other regional or local units of government, which have jurisdiction on a matter affecting the Plan, or~~
- ~~3. providing substantial public benefits, which could otherwise be lost under the adopted quarterly review procedure due to special conditions or circumstances.~~

~~Staff and/or the Planning Commission may recommend to the Council a suspension of the quarterly policy and procedure when it can be found the proposed amendment falls within at least one of the above three criteria. In no circumstances can mandatory procedures established by statute or ordinance be suspended. The Planning Director may recommend that the Commission or Council postpone other plan amendment studies to process other amendments in an accelerated process.~~

1.1.2 Property Owner-initiated Amendments

Amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing. The Planning Commission and City Council reserve the right to approve, approve with conditions, or deny any specific request for amendment in accordance with the City's policies and procedures.

1.1.3 Amendment Processing

Proposed amendments shall be processed as expeditiously as possible, subject to the availability of staff and budgetary resources and project priorities set by the Mayor. Amendments shall be processed in compliance with the procedures established by this Plan as well as Oregon Revised Statutes, Oregon Administrative Rules, Metro Code, the City Charter, and City Ordinances. Property owner-initiated amendments should be processed in the order in which they are submitted and accepted as complete, but the City Council may, by resolution, postpone processing proposed amendments to accelerate processing other amendments to which they give a higher priority.

1.2 PERIODIC REVIEW

Periodic Review amendments are subject to a Land Conservation and Development Commission (LCDC) approved work program and follow separate notice procedures outlined in the Oregon Revised Statutes and Oregon Administrative Rules governing Periodic Review. The Council, from time to time, may amend the Plan during periodic review update, or when public need or changed circumstances or conditions warrant an amendment. Proposed amendments to the Plan may be initiated by the Council, Commission, Mayor or other interested persons according to the adopted policy and procedure established in Section 1.3 Amendment Procedures.

~~Periodic Review amendments are subject to a Land Conservation and Development Commission (LCDC) approved work program and are processed outside the quarterly review procedure established under Section 1.1.~~

1.3 AMENDMENT PROCEDURESPROCEDURAL CATEGORIES

Comprehensive Plan Amendments fall into four-five general categories: Legislative, Quasi-Judicial, Historic Landmark, District and Tree designation removal, Annexation Related Non-Discretionary, and Historic Landmark and District DesignationsStatewide Planning Goal 5 Inventory Document Amendments.

Legislative Amendments are amendments to the ~~comprehensive~~ Comprehensive plan ~~Plan~~ text or map of a generalized nature initiated either by the City that applies to an entire land use map

category or a large number of individuals or properties or that establishes or modifies policy or procedure, or by an applicant. Legislative amendments include additions or deletions of text or land use map categories.

Quasi-Judicial Amendments are amendments to a Land Use Map designation as it applies to specific parcels or that applies to a small number of individuals or properties, ~~interests or situations or locations.~~ This type of amendment is typically a privately initiated amendment coupled with a corresponding zone change.

Historic Landmark, District or Tree Designation Removal are amendments, requested from the property owner, to remove said designation pursuant to ORS 197.772. Upon receipt of a letter request to remove said designation, the Community Development Director shall issue a letter removing said designation based on ORS 197.772 and shall cause such letter to be mailed to the property owner and the property owners within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the subject property.

Annexation-Related Map Amendments. ~~Non-Discretionary Amendments~~ are amendments to the Comprehensive Plan Land Use Map to add an annexed property, or properties, to the Map with a Land Use Map designation assigned through direct application of the ~~The acknowledged~~ Washington County-Beaverton Urban Planning Area Agreement (UPAA). ~~governs the assignment of Comprehensive Plan and zoning designations to land annexed into the City. The UPAA requires the City to assign particular City Comprehensive Plan and zoning designations or the most similar Plan and zoning designations to the annexed property based upon the Washington County designation. The County land use classification(s) Comprehensive Plan and zoning designation remains remain in effect under provisions of Oregon Revised State Statutes (ORS 197.175(1) and ORS 215.130(2)(a)) until the City acts to implement its own Comprehensive Plan Land Use and zoning map designation(s) in for the annexed territory. For that reason the act of annexation itself is deemed a political or governance decision separate and distinct from the decision to implement this plan (and the Development Code) as to those properties that have been annexed.~~

The UPAA requires the City to assign a particular, or most similar, City Comprehensive Plan Land Use designation to the annexed property based on the Washington County designation. Exhibit "B" of the UPAA contains a chart describing a one-to-one relationship between County and City land use designations. The UPAA and the chart referenced as Exhibit "B" is found within Chapter 3 of the Comprehensive Plan in Section 3.15. Where UPAA Exhibit "B" provides a one-to-one relationship and the annexed property is not subject to any special policies within the applicable Washington County Community Plan, the decision to apply a specific Land Use Map designation is made under land use standards that do not require interpretation or the exercise of policy or legal judgement. Consequently, the decision is not a land use decision as defined by Oregon Revised Statutes (ORS 197.015(10)(b)(A)). ~~The following describes the various processes for review of annexation-related Comprehensive Plan map amendments. Annexation-related zone map amendments will be considered concurrently with Comprehensive Plan map amendments, but are subject to procedures described in the Development Code (Ord. 2050).~~

- ~~NON-DISCRETIONARY ANNEXATION RELATED MAP AMENDMENTS:~~ In most cases the UPAA is specific and leaves no discretion about which City Comprehensive Plan designation and zoning district to assign. The chart contained in Exhibit "B" of the UPAA describes a one-to-one relationship between County and City designations and the parcel(s) is not subject to any special policies contained in the Washington County Community Plan. In these cases where no discretion is involved the Comprehensive Plan designation and zoning district will be assigned by the City Council with no public hearing being required in accordance with the notice procedures in 1.3.4.3.(c). These decisions are made under land use standards that do not require interpretation or the exercise of policy or legal judgement and, therefore, are not land use decisions as defined by Oregon Statutes. Since these are not land use decisions the criteria in section 1.3.1 do not apply.

EXPLANATORY NOTE: ~~The above are not land use decisions under Oregon Law because they are simply assigning a designation required by the acknowledged UPAA. ORS 197.015(10)(b) states that a Land Use Decision... "Does not include a decision of a local government: Which is made under land use standards which do not require interpretation or the exercise of policy or legal judgement".~~

EXPLANATORY NOTE: ~~ORS 197.175(1) states that cities..."shall exercise their planning and zoning responsibilities...in accordance with ORS Chapters 195, 196, and 197 and the goals approved under ORS Chapters 195, 196, and 197." With regard to applying Comprehensive Plan and zoning designations when the UPAA is specific and leaves no discretion, the State Planning Goals were addressed at the time that the County adopted the land use designation for a property and again when the City and County adopted the UPAA.~~

- ~~A public hearing will be required in those cases where the UPAA is not specific and requires discretion about which City Comprehensive Plan designation and zoning district to assign or when the County's Community Plan has special policy applicable to the parcel. The Planning Commission will hold the public hearing unless State law requires that the related annexation is subject to a public hearing before City Council. In that case the Comprehensive Plan Map amendment hearing will be conducted by the City Council concurrently with the annexation hearing and the Planning Commission hearing is dispensed with. The most similar designation will be applied as required by the UPAA.~~
- ~~DISCRETIONARY QUASI-JUDICIAL MAP AMENDMENT:~~ Most discretionary annexation related amendments will follow the quasi-judicial procedures specified in 1.3.4.3(a).

- ~~DISCRETIONARY LEGISLATIVE MAP AMENDMENTS: Map amendments affecting a large area, a substantial number of ownerships or the application of several different plan designations may be processed legislatively as specified in 1.3.4.3(b). The Community Development Director or his or her designee will determine on a case-by-case basis whether to use the quasi-judicial or legislative process.~~

~~No neighborhood review meeting is required for annexation-related amendments because these amendments merely assign the City Comprehensive Plan and zoning district designation that is most similar to the existing Washington County designation in compliance with the UPAA.~~

Statewide Planning Goal 5 Inventory Resource Document Amendments are amendments to Volume III of the Comprehensive Plan. Amendments may be legislative, such as periodic review, or annual updates to maps, or quasi-judicial. Updates to the Significant Natural Resources Map (Local Wetland Inventory Map) incorporating changes approved by the Department of State Lands are non-discretionary map amendments the public notice, decision-making and appeal of the decision occurs when the Division of State Lands approves the wetland delineation and fill or removal permit (OAR 141-086-005 through OAR 141-090-0230, OAR 141-085-0018, OAR 141-085-0025, OAR 141-085-0028, OAR 141-085-0029, OAR 141-085-0031, OAR 141-085-0066, ORS 227.350 (2), and ORS 196.600 to 196.990). As noted under Non-Discretionary Amendments above, when no discretion is exercised, the decision is not a land use decision under Oregon Revised Statutes (ORS 197.015(10)(b)(A)).

~~Historic Landmark and District Designation Amendments are Comprehensive Plan Amendments that are evaluated based upon the criteria for amendment identified in 1.3.2 below. Comprehensive Plan Amendments within this category may be staff initiated through Periodic Review or may be initiated by the property owner or by the Historic Resources Review Committee. Historic Landmark and District Designations shall be recommended to the Planning Commission following a public hearing by the Historic Resource Review Committee (HRCR). Historic Landmark designation will satisfy the Notice Requirements for Quasi-Judicial Comprehensive Plan Amendments under 1.3.3.2. Historic District Designation will satisfy the Notice Requirements for Legislative Comprehensive Plan Amendments under 1.3.3.1. Where conflicts may exist between this element and Section 243 of Ordinance 2050 this Element shall control.~~

~~1.3.1 — AMENDMENT CRITERIA:~~

~~The adoption by the City Council and Planning Commission of any amendment to the Plan, except non-discretionary annexation-related map amendments, shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section, or Section 1.3.2, if applicable, have been met. The City Council and Planning Commission may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or others. Affirmative findings relative to all of the following criteria are the minimum required for a Plan amendment (non-discretionary annexation-related map amendments need not comply with Plan criteria because they are not land use decisions under Oregon Statutes and are those stipulated by Exhibit "B" of the Urban Planning Area Agreement):~~

~~1.3.1.1 The proposed amendment is consistent and compatible with the Statewide Planning Goals; and~~

~~1.3.1.2 The proposed amendment is consistent and compatible with Metro Regional Urban Growth Goals and Objectives and the Metro Regional Framework Plan; and~~

~~1.3.1.3 The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and~~

~~1.3.1.4 Potential effects of the proposed amendment have been evaluated and will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare; and~~

~~1.3.1.5 The benefits of the proposed amendment will offset potential adverse impacts on surrounding areas, public facilities and services; and~~

~~1.3.1.6 There is a demonstrated public need, which will be satisfied by the amendment as compared with other properties with the same designation as the proposed amendment.~~

~~1.3.2 HISTORIC LANDMARK AND DISTRICT DESIGNATION CRITERIA.~~

~~The adoption by the City Council and Planning Commission of any amendment to the Plan relating to designation of historic resources shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or others. The HRRC, Planning Commission and City Council shall consider the following criteria and find that the proposal meets at least one factor in addition to 1.3.2.1:~~

~~1.3.2.1 Conforms with the purposes of the Beaverton Comprehensive Plan; and~~

~~1.3.2.2 The proposed landmark or district is associated with natural history, historic people, or with important events in national, state or local history; or~~

~~1.3.2.3 The proposed landmark or district embodies the distinguishing characteristics of an architecture inherently valuable for a study of a period, style, or method of construction; or~~

~~1.3.2.4 The proposed landmark is a notable work of a master builder, designer or architect; or~~

~~1.3.2.5 The proposed Landmark or District would serve one or more of the following purposes:~~

- ~~A. To preserve, enhance and perpetuate landmarks and districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history;~~
- ~~B. To safeguard the City's historic, aesthetic and cultural heritage as embodied and reflected in said landmarks and districts;~~
- ~~C. To complement any National Register properties or Historic Districts;~~
- ~~D. To stabilize and improve property values in such districts;~~
- ~~E. To foster civic pride in the beauty and accomplishments of the past;~~
- ~~F. To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;~~
- ~~G. To strengthen the economy of the City; and~~
- ~~H. To promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the City's current and future citizens.~~

~~1.3.3 QUASI-JUDICIAL COMPREHENSIVE PLAN AMENDMENT NEIGHBORHOOD REVIEW MEETING~~

- ~~1.3.3.1 Staff will advise the applicant to arrange a neighborhood information meeting. Staff will provide guidance documents relating to the Comprehensive Plan Amendment to the NAC and the applicant for distribution at the meeting. The application will be deemed incomplete until such time as the provisions of this section have been met.~~
- ~~1.3.3.2 The applicant will provide notice to the NAC and property owners within 500 feet, and post a sign on the property indicating the date, time and location of the meeting. Notice will be postmarked not less than 20 calendar days prior to the meeting.~~
- ~~1.3.3.3 The applicant will conduct the Neighborhood Review Meeting to introduce the proposal and to document neighborhood comments.~~
- ~~1.3.3.4 The applicant will send a copy of the meeting notes to the NAC chair by certified mail.~~
- ~~1.3.3.5 The applicant will demonstrate compliance with this section by submitting the following information with the application:~~
 - ~~A. A copy of the notice sent to the NAC and surrounding property owners;~~
 - ~~B. A copy of the mailing list including the property owners and the NAC representatives;~~
 - ~~C. A copy of the information contained on the posted sign;~~
 - ~~D. Notes of the meeting which include the meeting date and time, the name~~

- ~~and address of attendees, and the oral and written comments received; and~~
E. ~~A certified mail receipt indicating mailing of the meeting notes to the NAC Chair.~~

1.3.41.4 NOTICE REQUIREMENTS

The ~~failure claim~~ of a person to have not received notice, who may be entitled to notice as provided in this section, to receive notice shall not invalidate such proceedings if the City can demonstrate by affidavit that such notice was given.

If the Community Development Director or City Council determine that the proposed amendment substantially changes from the proposal described in the initial notice, then notice is required to be sent again as described in the appropriate subsection with specific notation that the proposal has changed and that a new hearing will be held on the matter.

1.3.4.11.4.1 Legislative Amendments.

A. Notice for Legislative Amendments of the initial hearing shall be provided as follows:

A1. By mailing the required inter-agency Department of Land Conservation and Development (DLCD) notice to DLCD, Metro, the Beaverton Neighborhood Office and the Chair of the Committee for Citizen Involvement (CCI) at least forty-five (45) calendar days prior to the Planning Commission initial hearing. When the legislative amendment is required through Periodic Review, DLCD notice is not required, therefore, it is not provided.

2. Mail notice to owners of property within the City for which the proposed ordinance, if adopted, may in the Director's opinion affect the permissible uses of land

a) The most recent property tax assessment roll of the Washington County Department of Assessment and Taxation shall be used for determining the property owner of record. The failure of a property owner to receive notice does not invalidate the decision.

b) If a person owns more than one property that could be affected by the proposed ordinance if adopted, the Director may mail that person only one notice of the hearing.

B3. By publication of a notice with the information specified in subsection 1.4.1 (B)-(1), (2), and (3) in a newspaper of general circulation within the City, giving the time, date, place, and purpose of the hearing; and

C4. By posting a notice with the applicable information specified in subsection 1.4.1 (B) in three conspicuous public places in the City at Beaverton City Hall and the Beaverton City Library; and

D5. By such other notice as the Planning Commission or City Council may deem in the public interest. By placing a notice with the applicable information specified in subsection 1.4.1 (B) on the City's website.

E. Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing Notices required by numbers 2 through 5 of this subsection, shall be given not less than twenty (20) and not more than forty (40) All hearing notices required by this section shall be given not less than thirty (30) calendar days prior to the date of the initial hearing.

B. Mailed notice required in subsection 1.4.1 (A) (2), posted notice required in subsection 1.4.1 (A) (4), and web notice required in subsection 1.4.1 (A) 5 shall:

1. State the date, time and location of the hearing, and the hearings body;
2. Explain the nature and purpose of the hearing;
3. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
4. List the applicable approval criteria by Comprehensive Plan by section numbers that apply to the application at issue;
5. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost and include the days, times and location where available for inspection;
6. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
7. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue; and
8. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.

C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).

D. Notice of remand hearings, whether they be the entire legislative amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission, shall be given following subsections 1.4.1 (A) and 1.4.1 (B) with the following additional information:

1. The deadline for submitting written testimony and the place it is to be submitted;
2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
3. The scope of the testimony; and
4. Whether the testimony is de novo or limited to the record and whether it must be submitted in writing or whether oral testimony will be allowed.

The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

1.3.4.21.4.2 Quasi-Judicial Amendments

A. Notice of the initial hearing for Quasi-Judicial Amendments shall be provided as follows:

- A1. By mailing the required inter-agency DLCD notice to DLCD, Metro, the Beaverton Neighborhood Office and the CCI Chair at least forty-five (45) calendar days

~~prior~~days prior to the Planning Commission initial hearing.

- ~~B2.~~ By publication of a notice with the information specified in 1.4.2 (B) (1), (2), (3) and (4) in a newspaper of general circulation within the City, giving time, date, place and purpose of the hearing; and
- ~~E3.~~ By posting notice with the information specified in 1.4.2 (B) in three (3) conspicuous public places in the City, stating the property is subject to an application for a Plan amendment and the telephone number of the City department to call for further information at Beaverton City Hall and the Beaverton City Library; and
- ~~D4.~~ By mailing notice with the information specified in 1.4.2 (B) to property owners included in the proposed change area, if applicable, and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated; and
- ~~E5.~~ By posting the property, stating a land use decision will be made about the property and giving the Community Development Department phone number. Signs shall be of sufficient number, size and location so as to be visible to a passing motorist; and By mailing notice with the information specified in 1.4.2 (B) to any City-recognized Neighborhood Association Committee (NAC) or County-recognized Citizen Participation Organization (CPO) whose boundaries include the property for which the change is contemplated; and
- ~~F6.~~ By such other notice as the Planning Commission or City Council may deem in the public interest. By placing notice with the information specified in 1.4.2 (B) on the City's web site.

Notice required by Oregon Revised Statutes (ORS 227.186, also known as Ballot Measure 56) shall be provided, when applicable. ORS 227.186(6) specifies notice requirements for city-initiated amendments related to Periodic Review.

Hearing notices required by numbers 2 through 6 of this subsection shall be given not less than ~~thirty (30)~~twenty (20) and not more than forty (40) calendar days prior to the date of the initial hearing.

B. Mailed notice required in subsection 1.4.2 (A) (4) and (5) shall:

- 1. Explain the nature of the application and the use or uses, which could be authorized;
- 2. Set forth the street address or other easily understood geographical reference to the subject property and include a map, if applicable;
- 3. State the date, time, and location of the hearing, and the hearings body;
- 4. Include the case file number, title or both of the proposed ordinance to be considered at the time of hearing;
- 5. List the applicable criteria from the Comprehensive Plan by section number that apply to the application at issue;
- 6. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and the Land Use Board of Appeals based on that issue;
- 7. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;

8. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost and include the days, times and location where available for inspection;
 9. State that a copy of the staff report will be available for inspection at no cost at least seven (7) calendar days prior to the hearing and will be provided at reasonable cost include the days, times and location where available for inspection; and
 10. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.
- C. If an application is City-initiated and would change the Land Use Plan Map for a property to a designation that would require a rezone, a notice must be sent to the owner pursuant to Oregon Revised Statutes (ORS 227.186(3) also known as Ballot Measure 56).
- D. Notice of remand hearings, whether for the entire quasi-judicial amendment or part of the amendment, either from the Land Use Board of Appeals to City Council or from City Council to Planning Commission shall be given following subsection 1.4.2 (A) and 1.4.2 (B) with the following additions:
1. Any deadline for submitting written testimony and the place it is to be submitted;
 2. The applicable criteria if the remand is required by the failure to state the criteria or if the criteria have changed;
 3. The scope of the testimony; and
 4. Whether the testimony is limited to the record or de novo and whether it must be submitted in writing or whether oral testimony will be allowed.
 5. The notice required in this subsection (D) shall be mailed to persons who previously provided written or oral testimony in the proceedings on the proposal.

1.3.4.31.4.3 Annexation-Related Non-Discretionary Map Amendments

- ~~a) Notice for hearings on discretionary Quasi-Judicial Annexation-Related Map Amendments shall be as follows:~~
- ~~A. By mailing the required inter-agency DLCD notice to DLCD, Metro, the Beaverton Neighborhood Office and the Chair of the Committee for Citizen Involvement (CCI) at least forty-five (45) calendar days prior to the initial hearing; and~~
 - ~~B. By publication of a notice in a newspaper of general circulation within the City, giving the time, date, place, and purpose of the hearing; and~~
 - ~~C. By posting notice in three conspicuous public places in the City, stating the property is subject to an application for a Plan amendment and the telephone number of the City department to call for further information; and~~
 - ~~D. By mailing notice to the NAC, the CPO, property owners and residents included in the proposed change and within an area enclosed by lines parallel to and 500 feet from the exterior boundary of the property for which the change is contemplated; and~~
 - ~~E. By such other notice as the Planning Commission or City Council may deem in the public interest; and~~

~~F. All hearing notices required by B. through D. of this subsection (a) shall be given not less than twenty (20) calendar days prior to the date of the hearing and staff reports shall be available in this time frame.~~

~~b) Notice for hearing on discretionary Legislative Annexation Related Map Amendments shall be as follows:~~

~~A. By mailing the required inter-agency DLCD notice to DLCD, Metro, the Beaverton Neighborhood Office and the Chair of the Committee for Citizen Involvement (CCI) at least forty-five (45) calendar days prior to the hearing; and~~

~~B. By publication of a notice in a newspaper of general circulation within the City, giving the time, date, place, and purpose of the hearing; and~~

~~C. By mailing notice to the NAC, the CPO and owners of record of the subject property on the most recent property tax assessment roll; and~~

~~D. By posting notice in three conspicuous public places in the City, stating the property is subject to an application for a Plan amendment and the telephone number of the City department to call for further information; and~~

~~E. By such other notice as the Planning Commission or City Council may deem in the public interest; and~~

~~F. All hearing notices required by B. through D. of this subsection (b) shall be given not less than twenty (20) calendar days prior to the date of the hearing and staff reports shall be available in this time frame.~~

Ae) Notice for Non-Discretionary Annexation Related Map Amendments shall be provided as follows:

A1. By publication of a notice with the information specified in 1.4.3 (B) (1), (2) and (3) in a newspaper of general circulation within the City, giving the time, date, place, and purpose of the City Council agenda item; and

2B. By mailing notice with the information specified in 1.4.3 (B) to the Beaverton Neighborhood Office, Chair of the Committee for Citizen Involvement (CCI), NAC, CPO and owners of record of the subject property on the most recent property tax assessment roll; and

C3. By such other notice as the City Council may deem in the public interest By placing notice with the information specified in 1.4.3 (B) on the City's web site..

All notices required by A1. through C3. of this subsection (eA) shall be given not less than twenty (20) and not more than forty (40) calendar days prior to the date the item initially appears on the City Council agenda. ~~Staff reports must be available at the time notice is provided.~~

B. Notice required by subsection 1.4.3.(A) shall:

1. Explain the nature of the application;

2. Set forth the street address or other easily understood geographical reference to the subject property, including a map;

3. State the time, date, place, and purpose of the City Council agenda item;

4. Include the case file number, title or both of the proposed ordinance to be considered

at the time of hearing;

5. Include the name and phone number of the City staff person assigned to the application from who additional information may be obtained;
6. List the applicable criteria from the Comprehensive Plan and State Law that apply to the application at issue;
7. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at no cost at least seven (7) calendar days prior to the City Council meeting and will be provided at reasonable cost and include the days, times and location where available for inspection.

EC. Notice of Decision for Non-Discretionary Map Amendments

Within five working days after the final City Council decision on a Non-Discretionary Annexation-Related Map Amendment, notice of the decision shall be mailed to the owner of record, DLCD, Metro, the Beaverton Neighborhood Office and the Chairperson of the Committee for Citizen Involvement (CCI). The notice of decision shall include the following:

1. A statement that the decision is final but may be appealed in a court of competent jurisdiction, and
2. A statement that the complete case file is available for review. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the case.

1.4.4 Statewide Planning Goal 5 Inventory Resource Document (Volume III) Amendments

- A. If the proposal is legislative in nature, as in an update to one of the Statewide Planning Goal 5 Inventory Resource Documents or an addition of a new category of Statewide Planning Goal 5 Inventory Resource Documents, then notice shall follow the legislative notice procedure identified under subsection 1.4.1.
- B. If the proposal is quasi-judicial in nature, as in a change on one property or a limited group of properties, the notice shall follow the quasi-judicial notice procedure under subsection 1.4.2..
- C. If the proposal is to update the Local Wetland Inventory map of the Significant Natural Resource maps based on approvals of wetland delineations or fill [REDACTED] permits issued by the Oregon Department of State Lands, the amendment shall be deemed non-discretionary and shall be updated administratively by City Council ordinance adoption, following the Non-Discretionary Map Amendment procedure under 1.4.3.

1.5 CRITERIA FOR AMENDING THE COMPREHENSIVE PLAN

The adoption by the City Council of any amendment to the Plan shall be supported by findings of fact, based on the record, that demonstrate the criteria of this Section have been met. The City Council and Planning Commission may incorporate by reference facts, findings, reasons, and conclusions proposed by the City staff or others into their decision.

1.5.1 Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments

- A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules; and
- B. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan; and
- C. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans; and
- D. If the proposed amendment is to the Land Use Map, there is a demonstrated public need, which cannot be satisfied by other properties that now have the same designation as proposed by the amendment.

1.5.2 Criteria for Non-Discretionary Map Amendments

A. Annexation-Related

Discretion occurs when the Washington County-Beaverton Urban Planning Area Agreement (UPAA) is adopted or amended by the County and the City. The UPAA provides specific City-County Land Use Designation Equivalents. Specifically, the UPAA states in Section II (D) "Upon annexation, the city agrees to convert County plan and zoning designations to City plan and zoning designations which most closely approximate the density, use provisions and standards of the County designations. Such conversion shall be made according to the tables shown on Exhibit "B" to this agreement." Consequently, when the conversion from County to City designation is shown on Exhibit B, the City has no discretion.

B. Statewide Planning Goal 5

The Department of State Lands (DSL) and the US Army Corps of Engineers (COE) exercise discretion when these agencies approve wetland delineations and fill/removal permits (OAR 141-085, ORS 227.350, and ORS 196.600 to 196.990). Because the decision is made by another agency, acknowledging the locations of the delineated wetlands and fill/removal activities on the City's Local Wetland Inventory map involves no discretion.

1.5.3 Criteria for Statewide Planning Goal 5 Inventory Resource Document (Volume III) Comprehensive Plan Amendments

- A. Local Wetland Inventory Amendments require following the criteria for adoption of a local wetland inventory found within Oregon Revised Statutes and Oregon Administrative Rules (as of November 2004, ORS 196 and OAR 141-086 and OAR 660-023).

B Criteria for Addition of Historic Landmarks and Districts

To qualify as a historic landmark or district, the proposal must meet criterion 1 and at least one factor listed as criteria 2 through 5:

- 1. Conforms with the purposes of the Beaverton Comprehensive Plan; and

2. The proposed landmark or district is associated with natural history, historic people, or with important events in national, state, or local history, ; or
3. The proposed landmark or district embodies the distinguishing characteristics of an architecture inherently valuable for a study of a period, style, or method of construction; or
4. The proposed landmark is a notable work of a master builder, designer, or architect; or
5. The proposed landmark or district would serve one or more of the following purposes:
 - a) To preserve, enhance, and perpetuate landmarks and districts representing or reflecting elements of the City's cultural, social, economic, political, and architectural history;
 - b) To safeguard the City's historic, aesthetic, and cultural heritage as embodied and reflected in said landmarks and districts;
 - c) To complement any National Register properties or Historic Districts;
 - d) To stabilize and improve property values in such districts;
 - e) To foster civic pride in the beauty and accomplishments of the past;
 - f) To protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
 - g) To strengthen the economy of the City; and
 - h) To promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing, and public welfare of the City's current and future citizens.

C. Criteria for Adding Historic Trees

The adoption by City Council and Planning Commission of any amendment to add a historic tree to the Historic Tree Inventory shall be based on the following criteria:

1. Conforms with applicable goals and policies of the Beaverton Comprehensive Plan; and
2. The proposed historic tree designation is requested by the property owner as determined by the most recent property tax assessment roll of the Washington County Department of Assessment and Taxation; and
3. The proposed historic tree is associated with historic properties, historic people, or with important events in national, state, or local history, or general growth and development of the city.

~~EXPLANATORY NOTE: When feasible the notice for annexations and the related map changes shall be combined.~~

1.3.4.4 ~~_____ The mailed Notice required by this section shall:~~

A. ~~Explain the nature of the application and the use or uses which could be~~

authorized;

- ~~B. List the applicable criteria from the Comprehensive Plan and State Law that apply to the application at issue;~~
- ~~C. Set forth the street address or other easily understood geographical reference to the subject property;~~
- ~~D. State the date, time and location of the hearing;~~
- ~~E. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the Planning Commission an opportunity to respond to the issue precludes appeal to the City Council and Oregon State Land Use Board of Appeals on that issue;~~
- ~~F. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;~~
- ~~G. State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;~~
- ~~H. State that a copy of the staff report will be available for inspection at no cost at least thirty days prior to the hearing and will be provided at reasonable cost; and~~
- ~~I. Include a general explanation of the requirements for submission of testimony and procedure for conduct of the hearing.~~

1.3.5 — STAFF REPORTS

~~Comprehensive Plan Amendment staff reports will be available thirty (30) calendar days prior to the Planning Commission public hearing. Similarly, Comprehensive Plan Amendment staff reports prepared for CPA public hearings scheduled by City Council will be available to the public thirty (30) calendar days prior to the hearing. Comprehensive Plan Amendment staff reports for annexation related map amendments will be available at least twenty (20) calendar days prior to their first public hearing or agenda date.~~

1.3.6.1.6 HEARINGS PROCEDURES FINAL ADOPTION AND APPEALS

~~Before the City Council may adopt any amendment to the Comprehensive Plan, the following procedures within this section shall be followed: In the case of Non-Discretionary amendments, no hearing will be held. Consideration of the proposal shall be placed on the City Council Agenda for adoption by ordinance.~~

~~1.3.6.1.6.1. After appropriate notice is given, as provided in section 1.4 as provided in section 1.3.4 the Planning Commission or City Council shall hold a public hearing on the amendment, except for Non-Discretionary amendments.~~

~~A. At the beginning of the hearing an announcement shall be made to those in attendance that:~~

- ~~1. States the applicable approval criteria by Comprehensive Plan section number.~~
- ~~2. States testimony, arguments and evidence must be directed toward the applicable criteria.~~
- ~~3. States failure to raise an issue accompanied by statements or evidence with sufficient specificity to afford the Planning Commission or City Council and the parties an~~

opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue.

4. States failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the City to respond to the issue may preclude an action for damages in circuit court.
5. If a quasi-judicial application, states the Planning Commission and City Council must be impartial and that members of the Planning Commission and City Council shall not have any bias or personal or business interest in the outcome of the application.
 - a) Prior to the receipt of any testimony, members of the Planning Commission or City Council must announce any ex parte contacts. The Planning Commission or City Council shall afford parties an opportunity to challenge any member thereof based on bias, conflicts of interest or ex parte contacts.
 - b) If any member of the Planning Commission or City Council has visited the site (if applicable), they should describe generally what was observed.
6. Summarizes the procedure of the hearing.
7. States that the hearing shall be recorded on audio only or audio and video tape.
8. States any time limits for testimony set by the Planning Commission or City Council at the beginning of the hearing.
- B. After the aforementioned announcements, the Chair or Mayor shall call for presentation of the staff report. Staff shall describe the proposal and provide a recommendation.
- C. After the presentation of the staff report, the Chair or Mayor shall call for the applicant's testimony, if the City is not the applicant.
- D. After the applicant's testimony, the Chair or Mayor shall call for other evidence or testimony in the following sequence unless the Planning Commission or City Council consents to amend the sequence of testimony:
 1. First, evidence or testimony in support of the application.
 2. Second, evidence or testimony in opposition to the application.
 3. Third, evidence or testimony that is neither in support nor in opposition to the application.
- E. If the City is not the applicant, the Chair or Mayor shall call for rebuttal by the applicant. Rebuttal testimony shall be limited to the scope of the issues raised by evidence and arguments submitted into the record by persons in opposition to the application. Should the applicant submit new evidence in aid of rebuttal, the Chair or Mayor shall allow any person to respond to such new evidence, and provide for final rebuttal by the applicant.
- F. The Chair or Mayor shall offer staff an opportunity to make final comments and answer questions.
- G. Provisions for holding a record open or continuing a hearing set forth in Oregon Revised Statutes (ORS 197.763 (6)) shall apply to this Chapter of the Comprehensive Plan, in accordance with the statute.

4.3.6.21.6.2. Following the conclusion of the hearing, the Planning Commission shall take one of the following actions:

- A. Continue the hearing to a date, time and location certain, which shall be announced by the Chair. Notice of date, time, and location certain of the continued hearing is not required to be mailed, published or posted, unless the hearing is continued without announcing a

date, time, and location certain, in which case notice of the continued hearing shall be given as though it was the initial hearing.

- B. Deny the application, approve the application, or approve the application with conditions.
1. If the Planning Commission proposes to deny, approve, or approve with conditions, the Planning Commission shall announce a brief summary of the basis for the decision and that an order shall be issued as described in 1.7; provided, the proceedings may be continued for the purpose of considering such order without taking new testimony or evidence.
 2. Provisions for holding a record open or continuing a hearing set forth in ORS 197.763(6) shall apply under this Ordinance in a manner consistent with state law.
 3. If the Planning Commission proposes to approve, or approve with conditions, an ordinance shall be prepared for City Council consideration, consistent with the City Charter.
 4. In conjunction with their adoption of an ordinance approving or approving with conditions a Comprehensive Plan Amendment, the City Council shall adopt written findings which demonstrate that the approval complies with applicable approval criteria.

1.7. FINAL ADOPTION AND APPEALS

1.7.1 Final Order

- A. The written decision in the form of a final order shall be prepared regarding the application. The final order shall include:
1. A listing of the applicable approval criteria by Comprehensive Plan section number.
 2. A statement or summary of the facts upon which the Planning Commission or City Council relies to find the application does or does not comply with each applicable approval criterion and to justify any conditions of approval. The Planning Commission or City Council may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the final order to satisfy this requirement.
 3. A statement of conclusions based on the facts and findings.
 4. A decision to deny or to approve the application and, if approved, any conditions of approval necessary to ensure compliance with applicable criteria.
- B. Within five (5) working days after the Final Decision (City Council Ordinance or Final Order adoption), mail the required DLCD Notice of Adoption to DLCD, pursuant to ORS 197.610 and OAR Chapter 660- Division 18.
- C. Within five (5) calendar days from the date that the Planning Commission or City Council adopts a final order, the Community Development Director shall cause the order to be signed, dated, and mailed to the applicant, the property owner, the Neighborhood Association Committee or County Participation Organization in which the subject property is located, and other persons who appeared orally or in writing before the public record closed. The final order shall be accompanied by a written notice which shall include the following information:
1. In the case of a Planning Commission decision, a statement that the Planning Commission decision can be appealed to the City Council following the procedures listed in 1.7.2. The appeal date and the statement that the appeal must be filed within

ten (10) calendar days after the date of the signed notice is dated and mailed shall be placed on the notice, with the appeal closing date shown in boldface type. The statement shall generally describe the requirements for filing an appeal and include the name, address and phone number of the Community Development Director.

2. In the case of a City Council decision, a statement that the decision is final, but may be appealed to the Land Use Board of Appeals as provided in Oregon Revised Statutes (ORS 197.805 through 197.860) or to the Land Conservation and Development Commission as provided in Oregon Revised Statutes (ORS 197.633), in the case of Periodic Review Amendments.
3. A statement indicating the Amendment application number, date, and brief summary of the decision. The statement shall list when and where the case file is available and the name and telephone number of the City representative to contact for information about the proposal.
4. A statement of the name and address of the applicant.
5. If applicable, an easily understood geographic reference to the subject property and a map. ~~deliberations the Planning Commission shall forward a recommendation to City Council to approve, approve with modifications or deny the amendment request based on the plan amendment criteria and the evidence and testimony in the record. The Planning Commission shall adopt a final order, either immediately after making its recommendation or at a public meeting within a reasonable time after making the recommendation.~~

~~———— The final order will consist of a brief statement explaining the criteria and standards considered relevant, stating the facts relied upon in rendering the recommendation, and explaining the justification for the recommendation based on the criteria and facts set forth. The Planning Commission's final order is a recommendation, which is forwarded to the City Council for final action.~~

~~1.3.6.3 Notice of the Planning Commission's recommendation shall be sent to the applicant, other persons whose names appear on the application, and to all persons who testified either orally or in writing before the Planning Commission, as applicable. The notice of decision shall:~~

- ~~A. Include the CPA Application number, date, and brief summary of the final decision;~~
- ~~B. Include the name and address of the applicant;~~
- ~~C. Include, if applicable, an easily understood geographic reference to the subject property and map;~~
- ~~D. State that a copy of the final order is available for review, and that a copy can be obtained at cost; and~~
- ~~E. State that the decision is a recommendation, which will be forwarded to the Council for final decision, and that, unless appealed by filing a written Notice of Intent to Appeal with the City Recorder within ten (10) calendar days of the date of the Planning Commission's final order, that the Council will make a~~

~~final decision based on the record and recommendation of the Planning Commission.~~

~~F. The notice shall include the requirements for filing a Notice of Intent to Appeal contained in 1.3.6.4.B, together with the name, address and phone number of the City Recorder.~~

1.3.6.4.1.7.2 Notice of Intent to Appeal

A. The Planning Commission decision may be appealed to the City Council only by the applicant, a person whose name appears on the application, or any person who appeared before the Planning Commission either orally or in writing. An appeal shall be made by filing a Notice of Intent to Appeal with the Community Development Director and City Recorder within ten (10) calendar days after the signed written order was dated and mailed ~~of the date of the Planning Commission's final written order.~~

B. A notice of Intent to Appeal shall be in writing and shall contain:

1.i) ~~A reference to the CPA application number and date of the Planning Commission decision order;~~

2.ii) A statement that demonstrates the appellant is the applicant or their representative, a person whose name appears on the application, or a person who appeared before the Planning Commission either orally or in writing;

3.iii) The name, address, and signature of the appellant or the appellant's representative;

4.iv) An appeal fee, as established by Council resolution; if more than one person files an appeal on a specific decision, the appeals shall be consolidated and the appeal fee shall be divided equally among the multiple appellants; and

5.v) A discussion of the specific issues raised for Council's consideration and specific reasons why the appellant contends that the Planning Commission's findings and/or recommendation is incorrect or not in conformance with applicable criteria.

C. The ~~City Recorder~~ Community Development Director shall reject the appeal if it

1.i) is not filed within the ten (10) day appeal period set forth in subsection A of this section,

2.ii) is not filed in the form required by subsection B of this section, or

3.iii) does not include the filing fee required by subsection B of this section.

If the ~~City Recorder~~ Community Development Director rejects the appeal, the ~~City Recorder~~ Community Development Director will so notify the appellant by letter. This letter shall include a brief explanation of the reason why the ~~City Recorder~~ Community Development Director rejects the appeal. A decision of the ~~City Recorder~~ Community Development Director to reject an appeal pursuant to this section is a final City decision as of the date of the letter and is not subject to appeal to the City Council. The appellant shall be allowed to correct a failure to comply with subsection B of this section if the correction can be made and is made within the 10 day appeal period provided in subsection A of this section.

- D. If a Notice of Intent to Appeal is not filed, or is rejected, ~~the an ordinance shall be prepared for City Council consideration, consistent with the City Charter. Planning Commission's final order will be submitted for approval as a consent item at a subsequent public meeting of the City Council.~~

~~Following approval by the City Council of the Planning Commission's order the Council will, if the application is approved, adopt an ordinance as provided by the Charter for the City of Beaverton.~~

If the application is denied, the City Council will adopt a final order which sets forth its decision together with any reasons therefor. The Council's final order or the ordinance is the final decision of the City on the application. Notice of the decision shall be given as provided in ~~1.3.6.8~~1.7.1.

- E. Notwithstanding the provisions of this section, ~~and in the absence of a properly and timely filed Notice of Intent to Appeal the Planning Commission decision, the City Council on its own motion, may order a public hearing at the before the City Council level at any time prior to adopting a Council final order or ordinance. This Council hearing may be on the record or de novo at the discretion of the Council.~~

~~1.3.6.5~~1.7.3 Notice of Appeal Hearing

- A. Written notice of the appeal hearing before the City Council will be sent

1. by regular mail,
2. no later than ~~thirty~~twenty (320) days prior to the date of the hearing
3. to the appellant, the property owner, the applicant, if different from the appellant, persons whose names appear on the application, and all persons who previously testified either orally or in writing before the Planning Commission.

- B. Notice of the hearing shall:

- i)1. Reference the CPA file number or numbers and the appeal number;
- ii)2. Set forth the street address or other easily understood geographical reference to the subject property, if applicable;
- iii)3. State the date, time and location of the hearing;
- iv)4. State that an appeal has been filed, set forth the name of the appellant or appellants and contain a brief description of the reasons for appeal;
- v) ~~State that Council review is confined to the issues raised by the appellant with sufficient specificity to enable the Council to respond. This portion of the notice will be deleted if the City Council on its own motion calls for a public hearing on the matter and directs that such hearing will be de novo.~~
- vi)5. Include the name and phone number of the City staff person assigned to the application from whom additional information may be obtained;
- vii)6. State that a copy of the Planning Commission's written order, the application, all documents and evidence contained in the record, and the applicable criteria are

- available for inspection at no cost and can be provided at reasonable cost including the days, times and location where available for inspection; and
- viii)7. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of the hearing.

1.3.6.1.7.4 Preparation of the Record; Staff Report; Transcript

A. Following receipt of a Notice of Intent to Appeal filed in compliance with 1.3.6.41.7.2, the Community Development Department Director shall prepare a record for Council review containing:

- i)1. All staff reports and memoranda prepared regarding the application that were presented to the Planning Commission;
- ii)2. Minutes of the Planning Commission proceedings at which the application was considered;
- iii)3. All written testimony and all exhibits, maps documents or other written materials presented to and or rejected by the Planning Commission during the proceedings on the application; and
- iv)4. the Planning Commission's Final written order.

5. The appellant may request, and the City Council may allow, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission public hearing. If such a request is made and granted, a transcript of the Planning Commission proceeding is required. The appellant shall remit a fee to cover the cost fo the transcript of the Planning Commission hearing within five (5) calendar days after the Community Development Director estimates the cost of the transcript. Within ten (10) calendar days of notice of completion of the transcript, the appellant shall remit the balance due on the cost of the transcript. In the event that the Council denies the request for an on the record appeal hearing, and holds a de novo hearing, the transcript fee may be refunded. If the transcription fee estimate exceeds the transcription cost, the balance shall be refunded to the appellant.

B. The Community Development Department Director shall prepare a staff report on the appeal explaining the basis for the Planning Commission's decision as relates to the reason for appeal set forth in the Notice of Intent to Appeal, and such other matters relating to the appeal as the Director deems appropriate.

~~C. Transcript. A verbatim transcript of the Planning Commission proceedings is not required. Any person who appeared before the hearing body on the application may prepare a certified verbatim transcript of all or part of the Planning Commission's proceedings at that person's own expense. The Community Development Department Director may prepare a certified verbatim transcript of all or part of the Planning Commission's proceedings at the City's expense.~~

~~D. A certified transcript prepared pursuant to this subsection shall be considered to be part of the record of the Planning Commission's proceedings, and, if offered, shall be accepted into evidence and considered by the City Council.~~

1.3.6-71.7.5 Scope of Review

A. ~~Except as provided in subsection B of this section,~~

- i) ~~1. The City Council review appeal hearing shall be de novo, which means any new evidence and argument can be introduced in writing, orally, or both. The City Council may allow, at the appellant's request, a quasi-judicial comprehensive plan amendment appeal hearing be conducted on the record established at the Planning Commission hearing, limited to the evidence in the record before the Planning Commission. Evidence means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision. No new evidence may be presented at the hearing before the Council and no person may testify before the Council unless that person appeared either orally or in writing before the Planning Commission. No issue may be raised on appeal to the Council that was not raised before the Planning Commission with sufficient specificity to enable the Planning Commission and the parties to respond.~~
- ii) ~~B. The Council may take official notice of and may consider in determining the matter any material which may be judicially noticed pursuant to the Oregon Rules of Evidence, ORS 40.060 through 40.090, including an ordinance, comprehensive plan, resolution, order, written policy or other enactment of the City.~~
- iii) ~~The Council may reopen the record and consider new evidence if such a request is made prior to or at the Council hearing by the appellant or any person who testified before the Planning Commission, and the requesting party demonstrates:~~
- ~~1) That the hearing body committed a procedural error that prejudiced the requesting party's substantial rights and that reopening the record is the only alternative to remanding the application to the Planning Commission to correct the error; or~~
 - ~~2) That new evidence material to the decision on appeal exists and could not have been presented to the Planning Commission. A requesting party may only qualify for this exception if he or she demonstrates that the new evidence concerns an unanticipated event which occurred after the close of the hearing before the Planning Commission. This exception shall be strictly construed by the Council in order to ensure that all relevant evidence and testimony is submitted to the Planning Commission.~~

~~In the event that no appeal is properly and timely filed and the City Council by motion decides to consider the Comprehensive Plan Amendment, the Council may conduct a de novo public hearing or it may review the matter on the record as described in subsection A of this section. A transcript is not required, however, if all or part of a transcript is offered, then it shall be allowed at the de novo hearing.~~

C. Preliminary Decision.

At the conclusion of deliberations, the Council shall make a preliminary oral decision. The Council may affirm, reverse or modify the Planning Commission's recommendation

order in whole or in part, or may remand the decision back to the Planning Commission for additional consideration. (Procedures for noticing a remand hearing are found in sections 1.4.1 (D) and 1.4.2 (D).) The preliminary oral decision is not a final decision. At any time prior to adoption of the final order or Ordinance pursuant to ~~subsection~~ subsection D of this section, the Council may modify its decision based upon the record or may reopen the hearing.

D. Final Order or Ordinance

In the case of a denial, the City Council shall direct staff to prepare a final order or in the case of approval, tThe Council shall cause the preparation of an Ordinance. The Ordinance or final order adopt a final order either immediately after making its preliminary oral decision or at a public meeting within a reasonable time after making the preliminary oral decision. The final written order shall consist of a brief statement explaining the criteria and standards considered relevant, stating the facts relied on in rendering the decision, and explaining the justification for the decision based upon the criteria and facts set forth and, if the plan amendment is approved, an ordinance which adopts the proposed amendment. The written final order, or Ordinance, is the final decision on the application and the date of the order, or Ordinance, for purposes of appeal is the date on which it is adopted by the Council signed by the Mayor.

Procedures for preparation of the Final Order, Ordinance and distribution of the Notice of Decision are found in section 1.7.

1.3.6.8 Notice of Decision:

~~A notice of decision shall be prepared not later than five (5) working days after the final decision. The Plan amendment, findings and notice of decision shall be mailed to the DLCD not later than five (5) working days after the final decision.~~

~~A. In addition, the notice of decision shall be sent by regular mail to:~~

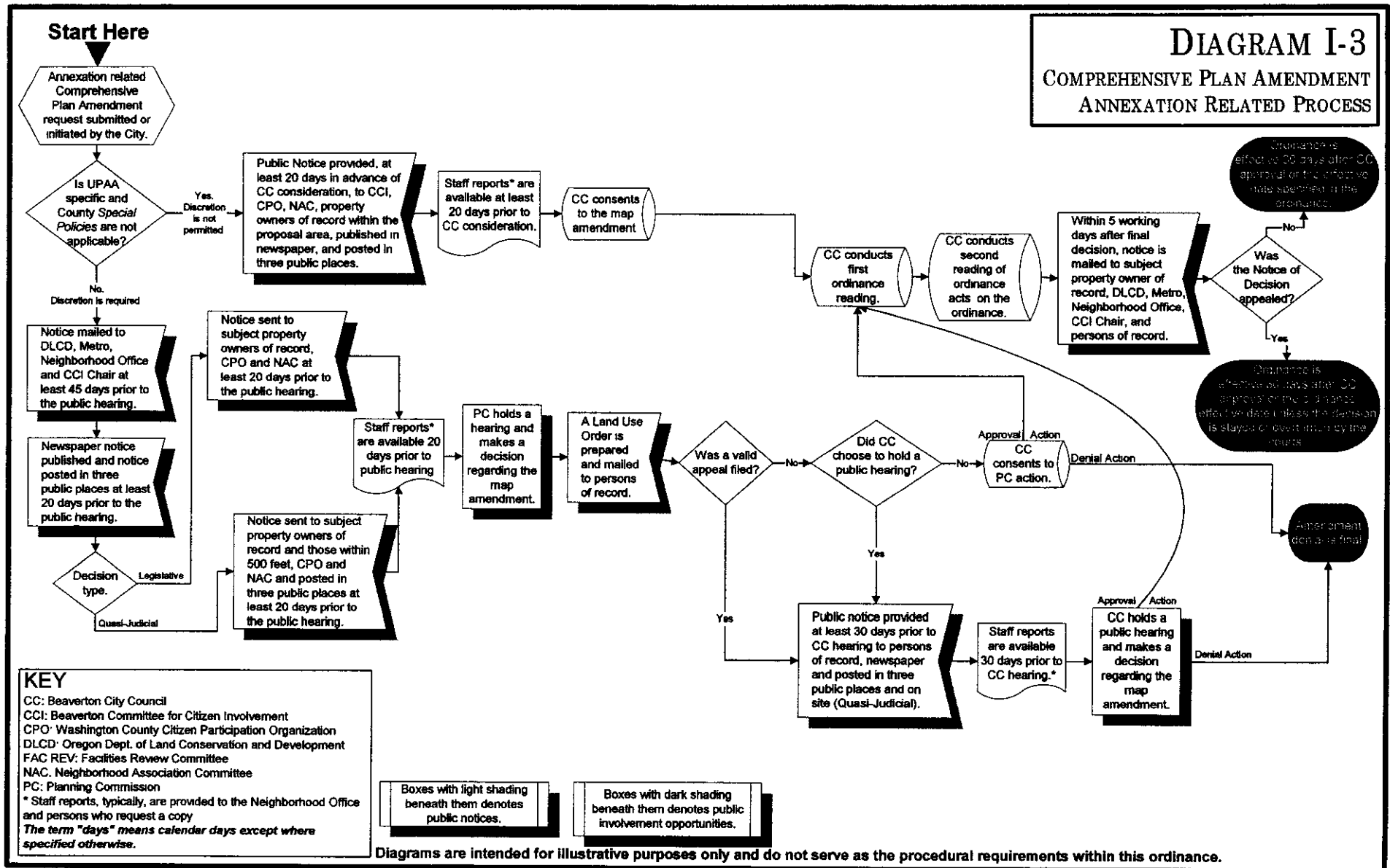
- ~~i) persons who participated in the proceedings leading to adoption of the amendment; and~~
- ~~ii) persons who requested, in writing, to receive the notice of decision.~~

~~B. The notice of decision shall:~~

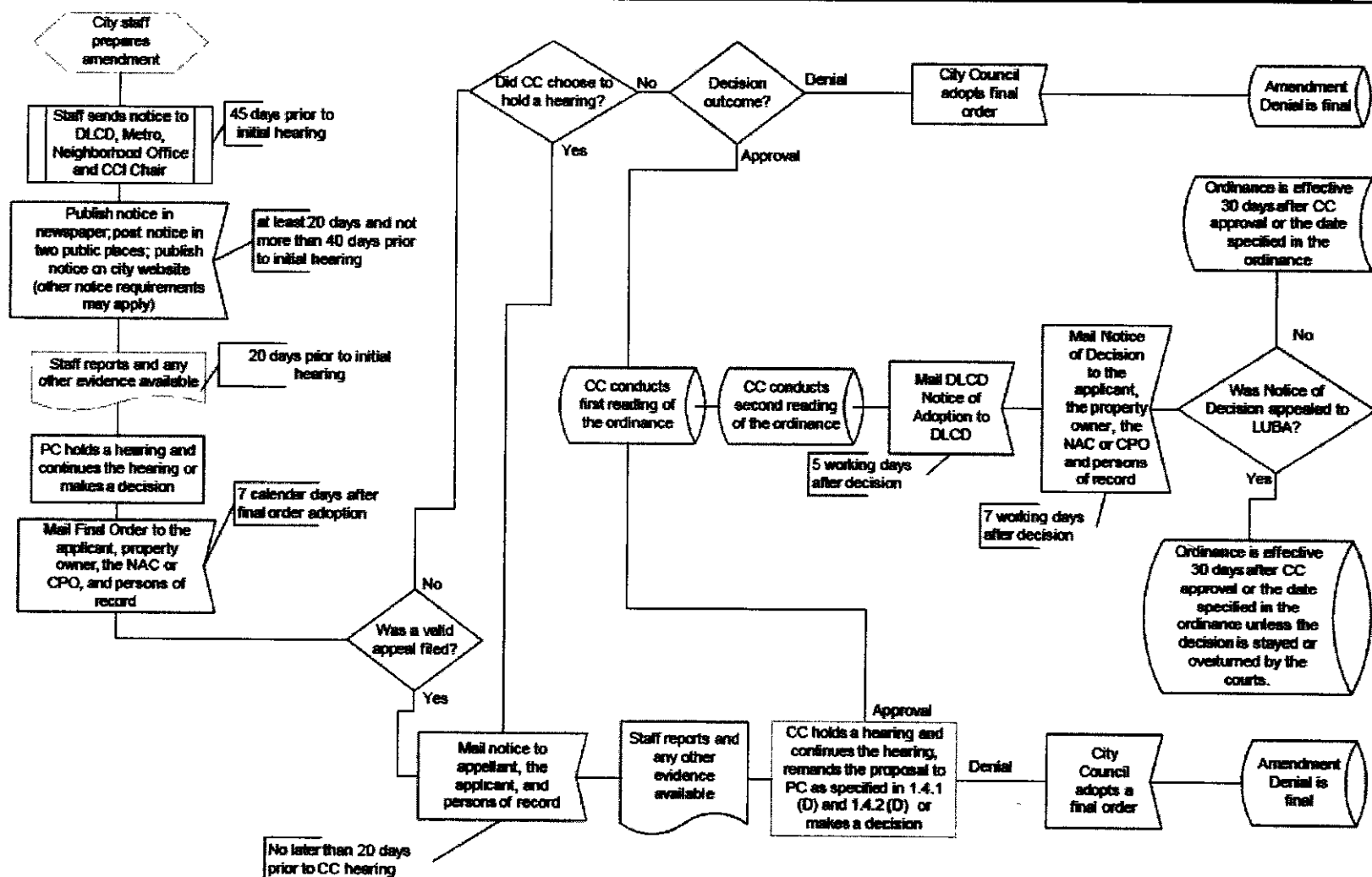
- ~~i) include the CPA and appeal number, date and brief summary of the final decision;~~
- ~~ii) include the name and address of the applicant;~~
- ~~iii) include an easily understood geographical reference to the subject property and a map, if applicable;~~
- ~~iv) State that the decision is available for review, and that a copy can be obtained at cost; and~~
- ~~v) State that the decision may be appealed by filing a written Notice of Intent to Appeal with the Oregon State Land Use Board of Appeals (LUBA) within 21 days of the date of the final decision in accordance with ORS 197.830(8).~~

| The following diagrams, Diagram ~~IA through I-1~~ through I-4C, are intended for illustrative purposes only and are not adopted as procedural requirements within this ordinance. Thus, periodic updates to Diagrams ~~I-1A through I-4G~~ will not require a Comprehensive Plan Amendment.

DIAGRAM I-3
COMPREHENSIVE PLAN AMENDMENT
ANNEXATION RELATED PROCESS



**Diagram I-1
Legislative Comprehensive Plan Amendments**



**Diagram I-2
Quasi-Judicial Comprehensive Plan Amendments**

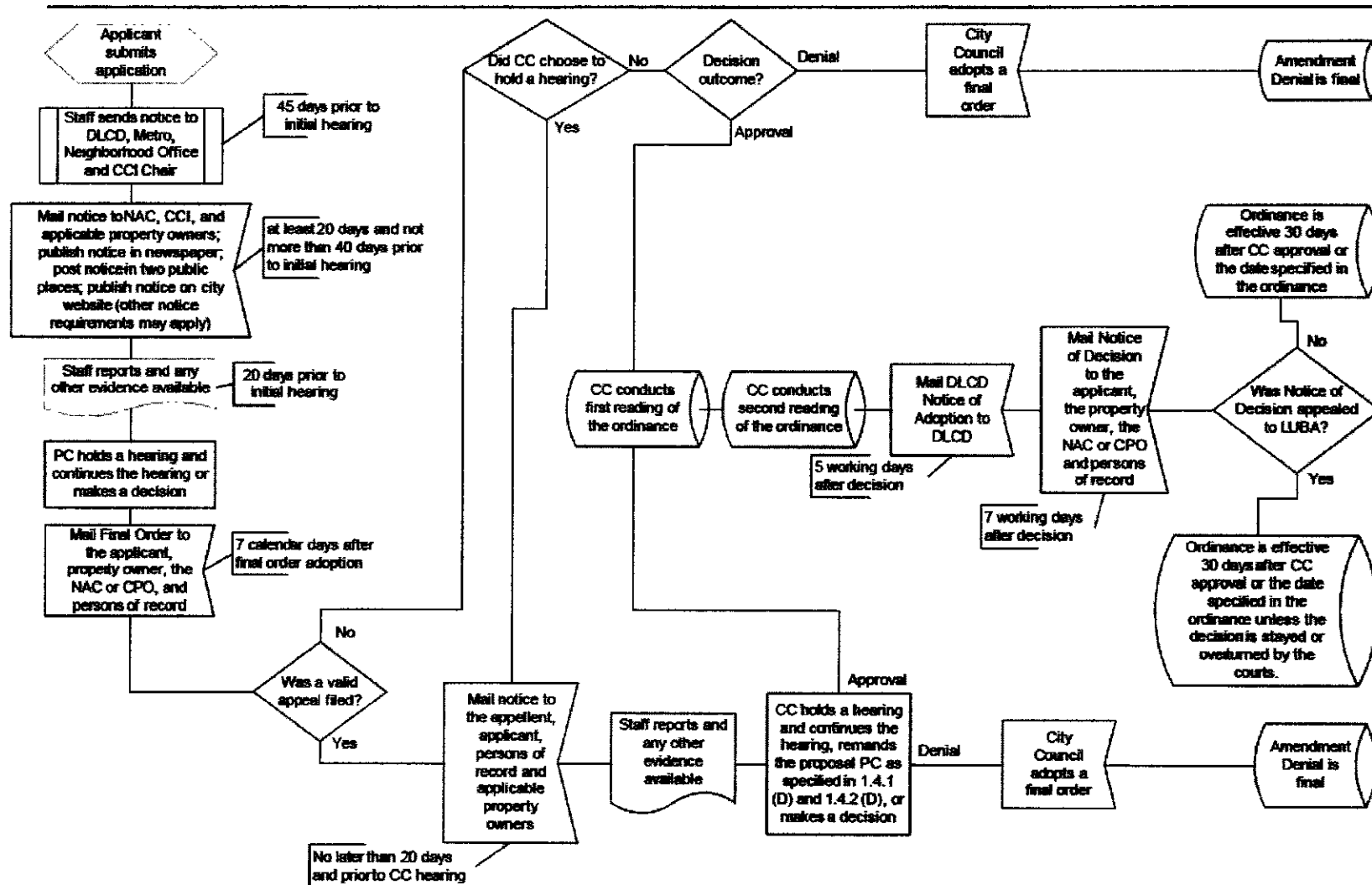


Diagram I-3
Non-Discretionary Map Comprehensive Plan Amendments

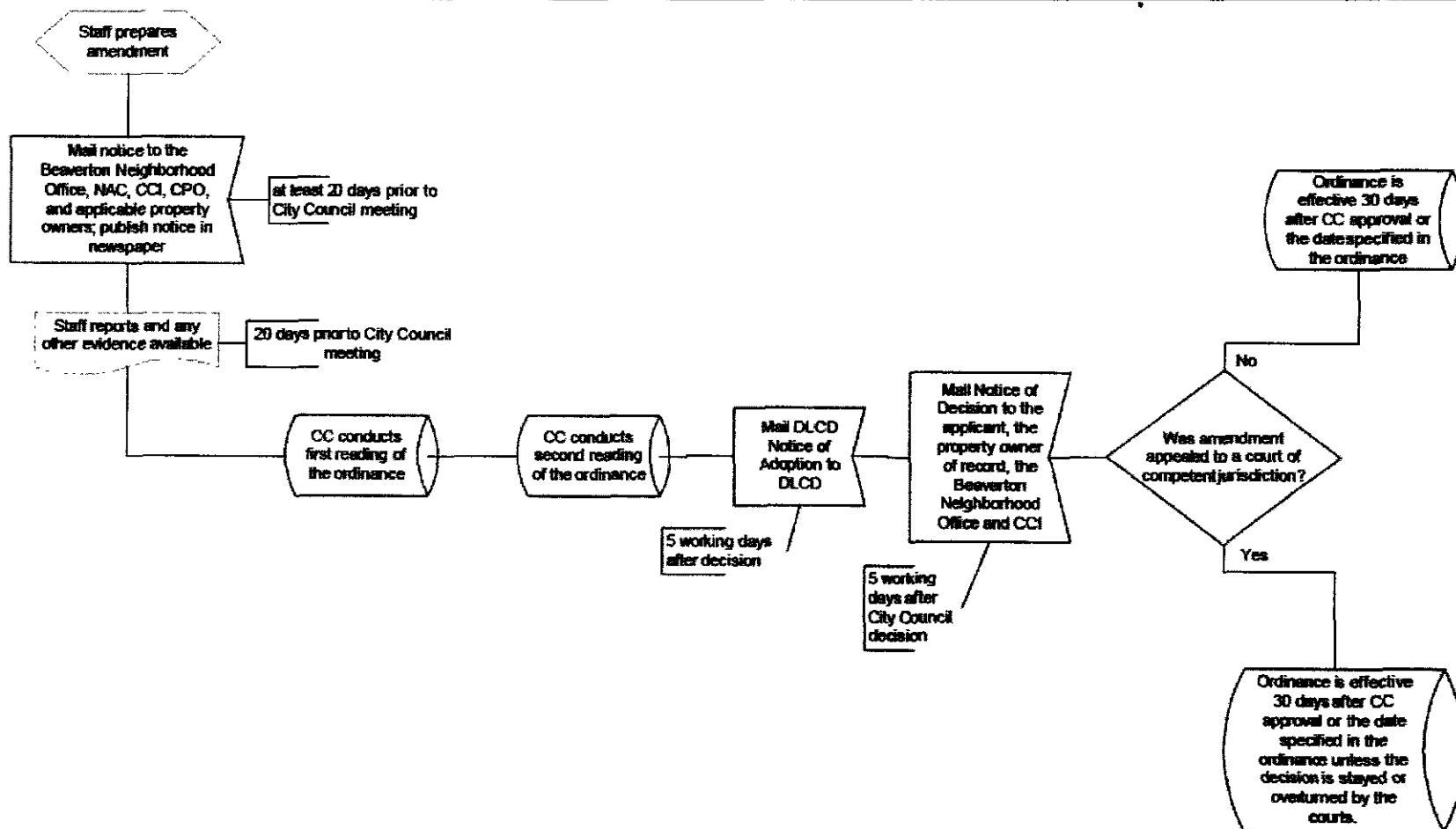
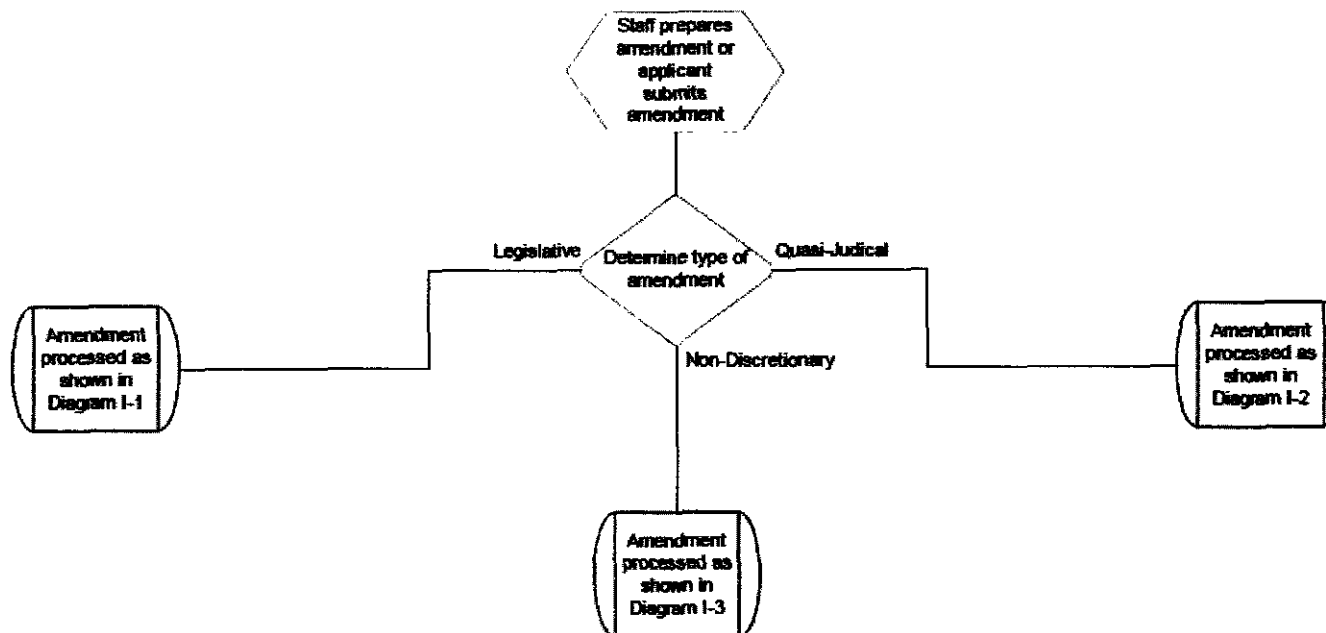


Diagram I-4
Statewide Planning Goal 5 Inventory Resource Document Volume III
Comprehensive Plan Amendments



1.8 APPLICATION FEES

In order to defray expenses incurred in connection with the processing of applications, the City has established a reasonable fee to be paid to the City upon the filing of an application for a Plan amendment. Fees for privately initiated Plan amendments requiring extraordinary staff time or expertise beyond the scope of the average process may be subject to an additional project management fee as established by Council Resolution 3285.

CHAPTER TWO:

PUBLIC INVOLVEMENT

ELEMENT



PUBLIC INVOLVEMENT ELEMENT

2.1 OVERVIEW

Engaging the public early and often in the decision-making process is critical to the success of any planning effort, especially in relation to land use and transportation issues. In addition, numerous state and federal laws, as well as local policies, require public review and feedback at critical points in public policy development. For example, the federal Intermodal Surface Transportation Efficiency Act of 1991 underscores the need for public involvement, calling on planning agencies to provide the public, affected public and private agencies, and other interested parties “with a reasonable opportunity to comment” on plans and programs.

2.2 PUBLIC INVOLVEMENT GOALS

Oregon’s Statewide Planning Goal 1 charges the governing body with preparing and adopting a comprehensive program for public involvement that clearly defines the procedures by which the general public can become involved in the planning process:

Goal 1 Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.
(Department of Land Conservation and Development, adopted 1974, amended 1988)

The City of Beaverton’s commitment to ensuring an optimum level of public participation is reflected in its public involvement goals:

City Council Goal: Enhance citizen involvement and participation.

Comprehensive Plan Public Involvement Goal: The Planning Commission, Council, and other decision making bodies shall use their best efforts to involve the public in the planning process.

In response to these goals, the City has developed a Public Involvement program aimed at expanding opportunities for public involvement throughout the planning process.

2.2 PUBLIC INVOLVEMENT PROGRAM

In order to encourage public participation it is critical that issues important to different groups be identified and addressed early in the planning process. The need for and desired desirable level ~~for~~ of public participation should be determined in the early stages of any planning activity.

Public participation provides information and assistance to staff and policy makers in dealing with issues of interest to the public. When the community and its decision-makers

work from a common base of information, an active, rather than reactive program can evolve. Such a program will provide information more suitable to the public's needs.

2.3 PUBLIC INVOLVEMENT PROGRAM OBJECTIVES

- | A. To involve a cross section of the community in the community planning process.
- | B. To ensure effective two-way communication between the City and the public.
- | C. To provide an opportunity for the public to be involved in all phases of the planning process (e.g., scoping, analysis, plan preparation, adoption, implementation, and monitoring).
- | D. To ensure that technical information is presented in an understandable form.
- | E. To ensure that the public will receive a response from policy-makers.
- | F. To ensure appropriate funding for the public involvement program.

2.4 PROGRAM IMPLEMENTATION

2.4.1 CITY-WIDE PUBLIC INVOLVEMENT OUTREACH MECHANISMS

Several existing mechanisms ensure city-wide public involvement in Beaverton's planning process. The City's primary outreach mechanisms are through:

- | A. The Committee for Citizen Involvement, an advisory committee to the City Council;
- | B. The Neighborhood Program Office;
- | C. The Neighborhood Association Committees;
- | D. Specific committees and special interest groups;
- | E. *Your City*, a newsletter published six times per year, subject to continued funding, that is designed to keep the public informed and invite participation;
- | F. Periodic news releases in area newspapers;
- | G. Contact with the local media;
- | H. The City's public internet web site;
- | I. Public workshops and focus groups; and

J. Public hearings.

Each public involvement opportunity is tailored to meet the needs and conditions of the outreach effort, and techniques are often combined.

2.4.2 PUBLIC INVOLVEMENT IN CITY DECISION MAKING PROCESSES

The City's formal decision making processes include several opportunities for public involvement. The public is invited to present their views at the various City board and committee meetings, including but not limited to City Council, Planning Commission, Traffic Commission, and Board of Design Review, and Historic Resources Review Committee and Facilities Review Committee. Public notices, complete with the hearing date, time, location, and hearing body, are mailed out at least twenty (20) calendar days prior to the date of the public hearing, with thirty (30) calendar days notice given for Comprehensive Plan Amendments. Notices of public hearings are primarily published in the advertisement section of *The Valley Times*. On occasion, public hearing notices are published in *The Oregonian*. Notices are also posted on the City's web site.

Final agendas are posted at least seven calendar days in advance of the meeting at City Hall, located at 4755 S.W. Griffith Drive; ~~the Beaverton post office on SW Betts and Farmington Road,~~ and the Beaverton Library at ~~Allen and Hall Boulevards~~ 12375 SW Fifth Street. Agendas and meeting notices are available upon request from the City. Documents containing the proposals to be considered at the public hearings are available at the Planning Public Counter of the Community Development Department at least seven (7) calendar days in advance of the hearing, at least twenty (20) calendar days for Comprehensive Plan Amendments. ~~When the plan amendment affects a specific parcel or group of parcels, the site in question is also posted with a notice of a pending land use public hearing and a telephone number to call for further information.~~

The public is encouraged to provide staff with written comments or copies of presentations, particularly if the statement is too long to be orally presented in its entirety at a meeting. Individuals unable to attend meetings can submit concerns and ideas in writing to the Community Development Department office prior to the close of the public comment period. Copies of all materials submitted prior to distribution to the appropriate decision making body are included in documentation provided for the hearing deliberation on the matter.

All meetings are held in locations accessible to persons with disabilities. Listening devices or other auxiliary aids, sign language interpreters for people with hearing impairments, and readers for people with visual impairments are provided if requested at least three working days (72 hours) prior to the meeting.

The City may also conduct public meetings, workshops, and focus groups on particular issues to solicit input and involvement in various planning issues. Adopted plans are also available to the public for review at the Community Development Department and the

Beaverton Library, and are posted on the City's internet web site. Copies may be acquired for the cost of duplication at the Community Development Department.

2.4.3 CITY-SPONSORED PUBLIC GROUPS

2.4.3.1. Committee for Citizen Involvement (CCI)

Council Resolution 2058 (1978) established the CCI, defining its responsibilities as an advisory committee to the City Council. Ordinance 3557 established *The Beaverton Code* specifies membership of CCI as five at-large members appointed by the Mayor and confirmed by the Council and one member from each recognized Neighborhood Association Committee. The CCI's role is to assure that the community has a continuous opportunity to exchange ideas and information with the City, and to monitor and evaluate City programs as specified in the *Beaverton Code*, 1982, as amended (BC 2.03.050 through 2.03.054).

The *Citizen Involvement Program*, adopted by Resolution 2229 (1980), established a formalized public participation program for the CCI and provided a method by which the committee and other members of the community could communicate their opinions, inquiries, or complaints about City departments, committees, or the Council.

The program also provides for a newsletter (~~the CCI Herald~~) and calendar of City meetings, information flyers, community meetings, and funding for these activities as well as staff support and public hearing notices. The City is committed to providing financial support for public outreach and public participation processes. Staff and resource needs are determined during work program development for each plan, program, and project. In addition, the City's Neighborhood Program Office staff are available to coordinate outreach and work with City departments to realize the full potential of each public participation effort.

2.4.3.2 Neighborhood Association Committees (NACs)

The *Beaverton Code* identifies the procedures by which residents can form Neighborhood Association Committees, add or delete areas of acknowledged NACs and provides a process for termination of NAC Recognition and NAC Grievances (BC 9.06.010 through 9.06.040) (Ordinance 3120) have been adopted by the City. Additions or deletions of Neighborhood Associations do not require a Comprehensive Plan Amendment. As the City expands, new NACs will be formed in accordance with the provisions of Ordinance 3120. Figure II-1 shows a graphic representation of the general boundaries for the existing NACs. Boundaries of the Neighborhood Association Committees NACs are shown on maps available at City Hall or on the City's website (www.ci.beaverton.or.us).

Currently there are thirteen neighborhood association committees in Beaverton:

South Beaverton	Greenway	Triple Creek	Vose
West Beaverton	Five Oaks	Denney-Whitford	Raleigh West
Central Beaverton	Highland	Sexton Mountain	Raleigh Park

~~Neighbors Southwest~~

NACs provide a forum to identify, discuss, and offer solutions to neighborhood concerns such as traffic, safety, land use, and economic development. Supported by the Neighborhood Program Office, Beaverton's NACs are organized by volunteers, meet regularly, and participate in the public comment process. Monthly agendas and minutes are mailed to active participants. Neighborhood and city-wide issues are usually the main agenda topics.

Figure II-1 Beaverton Neighborhood Associations

2.4.3.3. The Beaverton Code (Section 2.03.002 – 2.03.300) identifies other City Boards, Commissions and Committees created by ordinance. Additional committees or review commissions may be established to address special projects, such as the Code Review Advisory Committee. These committees provide input to staff as they develop specific proposals, such as amendments to the Development Code.

2.4.3.34. Citizen's Participation Organizations (CPOs)

Washington County CPOs bordering the City limits are also involved in City planning issues through their newsletters and processes. Each CPO's newsletter details issues of county, city, and region-wide interest to its readers. ~~Often, p~~Public hearing notices and articles of interest concerning Beaverton issues are often included in the CPO newsletters.

~~2.4.3.4. Other Public Boards and Commissions~~

~~The public may also attend and serve on City boards, commissions, and task forces. Appointments are usually made by the Mayor, the term is usually one year, and special experience is not necessary. Such boards currently include:~~

~~B.I.K.E. Task Force
Citizens with Disabilities Advisory Committee
Development Liaison Committee
Planning Commission
Traffic Commission
Historic Resources Review Committee
Board of Design Review
Code Review Advisory Committee~~

2.4.45 PUBLICATIONS AND MAIL NOTIFICATION

"Your City" newsletter is ~~published and distributed city-wide,~~ It provides information on current issues to the residents of Beaverton. Published approximately six times per year, subject to available funding, "Your City" includes notification of regularly scheduled Board, Commission, Advisory Committee and Neighborhood Association Committee meetings and hearings, articles of interest to residents, and educational opportunities relating to planning and other community issues. Specific mailings, public notices, flyers, surveys and questionnaires, as well as the City's web site, cable broadcasts and other media, are used by the City to obtain input and provide information.

~~In addition, if information relates to a specific development proposal, such as for a Design Review Type I, II, III, Administrative or Quasi-Judicial decision, formal notice is provided in accordance with the Beaverton Development Code (ORD 2050).~~

2.5 OPPORTUNITIES FOR PUBLIC INVOLVEMENT

Many City planning processes incorporate specific public involvement procedures, which are identified in Chapter I of this Plan and in the City of Beaverton Development Code, Ordinance 2050.

In addition to the City's public participation processes, Metro requires transportation plans and programs to conform with its adopted Local Public Involvement Policy. This policy defines procedures and includes a certification process for projects proposed for federal funding through Metro.

Early public participation is critical to identifying needs and issues, evaluating alternatives, and developing, implementing, and evaluating projects. Opportunities for public involvement are available during the following development preparation and review phases of City plans:

~~2.5.1 Comments and Response to Comments~~

~~Comments received while plans are developed, adopted, implemented, and monitored are during plan preparation and review are also made part of the public record. At public hearings, comments are recorded and responses are noted. Public participation opportunities and public notice requirements for city plan and code revisions and updates are specified in the respective plan or code.~~

~~2.5.2 FINANCIAL SUPPORT~~

~~The City is committed to providing financial support for public outreach and public participation processes. Staff and resource needs are determined during work program development for each plan, program, and project. In addition, the City's Neighborhood Program Office staff are available to coordinate outreach and work with City departments to realize the full potential of each public participation effort.~~

~~2.5.3 EVALUATION OF THE PUBLIC INVOLVEMENT PROGRAM~~

~~At regular intervals, the City's Public Involvement Program is evaluated to ensure its continued effectiveness. Revisions may be made in portions of the program related to long range planning through the Comprehensive Plan Amendment process outlined in this Plan.~~

~~2.6 PUBLIC INVOLVEMENT IN COMPREHENSIVE PLAN AMENDMENT PROCESSES~~

~~Comprehensive Plan Amendments fall into four general categories: (1) Legislative Amendments to the Comprehensive Plan text, Map or both; (2) Quasi-Judicial Amendments (i.e., parcel specific amendments to the Comprehensive Plan Map resulting from privately initiated actions); (3) Annexation Related Map Amendments; and (4) Historic Landmark or District Designation. Diagrams IA through IC, which appear in Chapter One, illustrate the steps in these amendment processes.~~

~~Public participation in Comprehensive Plan Amendments occurs in conformance with the processes described in Chapter One: Comprehensive Plan Amendment Procedures. Site specific map amendments also include posted notification of the action pending on the subject property.~~

~~In addition to statutorily required notice and hearing procedures, and where formally recognized neighborhood association committees (NACs) exist, copies of proposed amendments affecting a neighborhood will be sent to association representatives. At the NAC's request, public information presentations on legislative amendments will be given to these groups prior to public hearings. The Planning Commission and City Council will employ a variety of means to provide information and will seek public participation. In addition, the Planning Commission or City Council may request public agencies and other organizations for recommendations on proposed amendments.~~

~~At times, amendments are accompanied by other development applications such as zone changes, conditional use permits, or land divisions. Public involvement opportunities for comprehensive plan amendments are shown graphically in Diagrams IA through IC in Chapter One and summarized below:~~

~~2.6.1 LEGISLATIVE AMENDMENTS~~

~~2.6.1.1 Comprehensive Plan Text Amendment~~

~~Comprehensive Plan Text Amendments (CPTAs) alter the language in the Comprehensive Plan but do not alter the Comprehensive Plan Map. CPTAs may be accompanied by Development Code text amendments.~~

~~CPTAs follow the process described in Chapter One of the Comprehensive Plan (Ordinance 1800, as amended). Diagram IA in Chapter One illustrates specific procedures and opportunities for public involvement.~~

~~Public involvement is accomplished in the CPTA process through the following means:~~

~~CPTAs are typically City initiated and include public involvement through advisory committees, Neighborhood Association Committees and public meetings.~~

~~CPTAs may be placed on the Facilities Review Committee agenda. If scheduled for the Facilities Review Committee agenda, notice will be provided to NAC chairs at least 15 calendar days in advance of the community input Facilities Review meeting.~~

~~A copy of the required inter-agency DLCD notice will be mailed to DLCD, the neighborhood office and the CCI chair 45 days prior to the Planning Commission hearing.~~

~~All NAC chairs or their designees are sent notice of the Planning Commission hearing at least 30 calendar days prior to the hearing. The staff report is available at least 30 calendar days prior to the hearing. Public comments at the Planning Commission hearing are entered into the public record. Comments are noted and included in the minutes of the meeting.~~

~~At the conclusion of the Planning Commission hearing, the Planning Commission makes a recommendation on the amendment to the City Council. The recommendation may be approval, denial or modification of the request.~~

~~The Planning Commission recommendation is acted on by the City Council on the consent agenda usually without a second public hearing. The City Council may choose to hold a public hearing or, if an appeal is filed, a public hearing is scheduled.~~

~~The public may provide testimony, both written and oral, at the City Council meeting, if the City Council holds a public hearing on the amendment.~~

~~2.6.1.2—Comprehensive Plan Map Amendment~~

~~Legislative Comprehensive Plan Map Amendments are those actions that produce a general rule or policy which is applicable to all parcels within a particular designation. An example of this type of comprehensive plan map amendment would be to change certain industrial lands to a different designation with policies applicable to all parcels with that particular designation.~~

~~CPMAs follow the process in Chapter One of the Comprehensive Plan (Ordinance 1800, as amended). Diagram 1A illustrates specific procedures for these amendments and is shown in Chapter One.~~

~~Public involvement is accomplished in this same way as Comprehensive Plan Text Amendments except in the initial stage of staff report development. Prior to Department of Land Conservation and Development notification, staff initiates public meeting(s) with affected parties, takes comments, and, if appropriate, amends the application.~~

~~2.6.2—QUASI JUDICIAL AMENDMENTS~~

~~Quasi-Judicial Comprehensive Plan Amendments are amendments to the map that are limited to specific parcels, interests or situations. This type of~~

~~amendment is typically coupled with a corresponding zone change.~~

~~Quasi-judicial development review applications requiring a public hearing may be processed concurrently with the Quasi-Judicial Comprehensive Plan Amendment. If a public hearing is required before the Board of Design Review, then the Planning Commission hearing on the comprehensive plan amendment will precede the Board of Design Review hearing. Specific development review procedures are contained in the City of Beaverton Development Code (Ordinance 2050). Diagram 1B illustrates specific procedures for these amendments and is shown in Chapter 1.~~

~~Public involvement is accomplished in this process through the following means:~~

~~A neighborhood meeting will be held in accordance with the provisions in Chapter One, Section 1.3.3.~~

~~A copy of the required inter agency DLCD notice will be mailed to DLCD, the neighborhood office and the CCI chair 45 days prior to the Planning Commission hearing.~~

~~Property owners and NACs are mailed notice of the community involvement meeting with the Facilities Review Committee at least 15 calendar days prior to the meeting. Comments provided at that meeting, either written or oral will be included in the Comment section of the staff report to the Planning Commission.~~

~~Property owners and NAC chairs are mailed notice of the Planning Commission hearing 30 calendar days prior to the hearing. Board of Design Review hearing notice for related applications is mailed pursuant to Ordinance 2050. Public comments at the Planning Commission hearing are entered into the public record. Comments are noted and included in the minutes of the meeting.~~

~~At the conclusion of the Planning Commission hearing, the Planning Commission makes a recommendation on the amendment to the City Council. The recommendation may be approval, denial or modification of the request.~~

~~The Planning Commission recommendation is acted on by the City Council on the consent agenda usually without a second public hearing. The City Council may choose to hold a public hearing or, if an appeal is filed, a public hearing is scheduled.~~

~~The public may provide testimony, both written and oral, at the City Council meeting, if the City Council holds a public hearing.~~

~~2.6.3 ANNEXATION RELATED MAP AMENDMENTS~~

~~Comprehensive Plan Map amendments are required for adoption of appropriate Comprehensive Plan designations for lands annexed into the City of Beaverton. The City has adopted an Urban Planning Area Agreement (UPAA) with Washington County, which identifies City Comprehensive Plan and zoning designation equivalents to those found in the Washington County Comprehensive Plan and Community Development Code. Annexation related map amendments follow the procedures set forth in Chapter One.~~

~~2.6.4 HISTORIC LANDMARK AND DISTRICT DESIGNATION AMENDMENTS~~

~~Some comprehensive plan amendments are required to designate Historic Landmarks and Historic Districts on the Historic Resources Inventory. The Historic Resources Review Committee (HRRC) shall hold a public hearing on the proposed landmark or district designation. The Planning Commission then holds a hearing on the matter and forwards the recommendation to the City Council. See Chapter One for further processing requirements.~~

GLOSSARY OF COMPREHENSIVE PLAN TERMS

The terms in this Plan embody the legislative intent of the City Council. Terms of ordinary usage are to be given their usual and reasonable meanings. Key words and concepts used in this Plan are explained below.

When the meaning ascribed to a term in this section conflicts with an identical or nearly identical term appearing in a closely-related state, regional, or federal law, the intent under this ordinance shall prevail unless a superior source of law requires a different result.

Where terms are not defined in this section, and a term conflicts with a provision of statewide, regional, or City of Beaverton law, the more restrictive interpretation will prevail unless it leads to an unlawful result.

Definitions of terms used throughout this comprehensive plan rely on applicable statutory definitions when they appear in Oregon law, and are implicit to in the comprehensive plan. Definitions appearing in the City of Beaverton Municipal Code Beaverton Code, 1982 are also incorporated by reference when they are not otherwise defined in this section. In cases where terms are not defined in this section, and the city's Beaverton Municipal Code and state statute law conflict, the more restrictive of the two shall be considered to govern. When defined in this section, the comprehensive plan definition will prevail, unless it explicitly conflicts with definitions appearing in applicable state or federal laws.

Key words necessary to understand the various comprehensive plan elements, which may not be defined by federal, state or local laws, are defined below for the reader's convenience:

ACCESS	<u>The place, or means or way by which pedestrians, vehicles, or both shall have safe, adequate and usable ingress and egress to a property or use. A private access is an access not in public ownership or control by means of deed, dedication or easement. (Beaverton Development Code) to safely enter a site from a roadway and exit a site onto a roadway by pedestrians, bicycles or motorized vehicles.</u>
ACCESSIBILITY	<u>The amount of time required to reach a given location or service by any mode of travel. (Metro Code 3.07.1010(a)) (Also Metro Regional Framework Plan)</u>
ACCESSORY STRUCTURE OR USE DWELLING UNIT	<u>A use or structuredwelling unit incidental or subordinate to the principal use of a building or project and located on the same site.</u>
ACCESSORY STRUCTURE OR USE	<u>A structure or use incidental, appropriate and subordinate to the main structure or use. (Beaverton Development Code)</u>
ACKNOWLEDGEMENT	<u>An Land Conservation and Development Commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro Urban Growth Management Functional Plan, amendments to Metro planning goals and objectives or amendments to the Metro Urban Growth Management Functional Plan comply with the statewide planning goals. (ORS 197.015(1))</u>
ACQUIRE OR ACQUISITION	<u>The acquisition of land, by purchase, lease, gift, grant, or devise, construction, installation, reconstruction, repair and alteration, and the equipment, improvement and extension of mass transit facilities. ORS 391.510</u>
ACRE FOOT	<u>The quantity of water required to cover one acre one foot deep. One acre foot equals 325,850 gallons.</u>
ACRES, GROSS	<u>The entire acreage of a site, including proposed rights of way, easements, environmental lands, etc. Gross acreage is measured from the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.</u>

A

ACRES, NET	The acreage of a site, not including public or private road rights-of-way, other easements, public open space, environmental lands, and floodways.
ACTIONS	With regard to implementation actions identified in this Plan: Direct specific City activities or events, consistent with the Comprehensive Plan goals and policies.
ADJACENT	Near or close. To have property lines or portions thereof in common or facing each other across a right-of-way, street, or alley. Near or close [REDACTED]. For example, an Industrial District across the street from a Residential District shall be considered as "adjacent". (Beaverton Development Code)
ADVERSE IMPACT	A negative consequence, demonstrated through evidence, for to the physical, social, or economic environment resulting from an action or a development project.
AFFORDABLE HOUSING	For the purposes of complying with Metro's Title 7 provisions, affordable housing is defined as housing that is affordable to residents earning less than 50% of the Metro area median income whereby no more than 30% of the household's gross income is expended toward housing costs.
AGRICULTURE	Use of land for the production of food and fiber, including the growing of crops and/or the grazing of animals on prime or improved pasture land.
AGRICULTURAL LAND	Lands with commercially productive soils and/or in viable agricultural production. All agriculturally zoned land within the city of Beaverton is considered a short-term zone.
AIRPORT CLEAR ZONE	A designated area of land that is subject to peak aircraft noise and on which there is the highest potential of danger from airport operations.
ALLUVIAL	Soils deposited by stream action.
ALTERNATIVE MODES	Alternative methods of travel to the automobile, including public transportation (light rail, bus and other forms of public transportation), bicycles and walking.
AMBIENT	Surrounding on all sides; this term is used to describe measurements of existing conditions with respect to traffic, noise, air and other environments.
APARTMENT	(1) One or more rooms of a building used as a place to live, in a building containing at least one other unit used for the same purpose; (2) A separate suite, not owner occupied, which includes kitchen facilities and is designed for and rented as the home, residence, or sleeping place of one or more persons living as a single housekeeping unit.
APPROACH ROAD	Includes a private road that crosses a state highway or a county road. ORS 374.305

APPROPRIATE	An act, condition, or state _____ suitable _____ .
AQUIFER	An underground, water bearing layer of earth, porous rock, sand, or gravel, through which water can seep or be held in natural storage.
AQUIFER RECHARGE	----- The replenishment of ground water in an aquifer.
ARCADE	----- A continuously covered area which functions as a weather-protected extension adjacent to a public pedestrian way or sidewalk, with a minimum height of eight (8) feet above finished grade.
ARCHAEOLOGICAL	Relating to the material remains of past human life, culture, or activities.
ARCHITECTURAL REVIEW	----- Regulations and procedures requiring the exterior design of structures to be suitable, harmonious, and in keeping with the general appearance, historical character, and/or style of surrounding areas. A process used to exercise control over the design of buildings and their settings.
AREAS AND ACTIVITIES OF METROPOLITAN CONCERN	
-----	----- A program, area or activity, having significant impact upon the orderly and responsible development of the metropolitan area that can benefit from a coordinated multi-jurisdictional response.
ARTERIAL STREET	Arterial streets serve to interconnect and support the freeway system. These streets link major areas of the city. Arterial streets are typically spaced about one mile apart to assure accessibility and reduce the incidence of traffic using collectors, neighborhood routes, or local streets in lieu of an arterial street.
AUTO MALL	----- A single location that provides sales space and centralized services for a number of automobile dealers, which may include related services.
AWNING	A roof like structure of fabric stretched over a rigid frame projecting from the elevation of a building designed to provide continuous overhead weather protection. <u>(Beaverton Development Code)</u>
BALANCED CUT AND FILL	----- No net increase in fill within the floodplain.
BASE WASTEWATER FLOW (BWF)	-----
-----	Refers to the amount of sewage incoming for treatment.
BEAVERTON CODE	<u>The Beaverton Code, 1982, as amended.</u>

B

BEAVERTON DEVELOPMENT CODE Development Code of the City of Beaverton, Ordinance 2050, as amended, is an ordinance establishing the zoning standards, regulations and procedures, providing related development requirements and providing penalties and otherwise implementing this Plan.

BEAVERTON ENGINEERING DESIGN MANUAL AND STANDARD DRAWINGS A compilation of resolutions and ordinances setting forth the technical engineering standards that implement the City's Site Development Ordinance.

BELOW MARKET RATE (BMR) HOUSING

~~Any housing unit specifically priced to be sold or rented to very low, low or moderate income households for an amount less than the fair market value of the unit.~~

BENEFICIAL USE STANDARDS ~~Under Oregon law, specific uses of water within a drainage basin deemed to be important to the ecology of that basin as well as to the needs of local communities are designated as "beneficial uses." Hence, "beneficial use standards" are adopted to preserve water quality or quantity necessary to sustain the identified beneficial uses.~~

BICYCLE LANE (BIKE LANE) Bicycle lane means the area within the street right-of-way designated specifically for use by bicyclists. The same area may also be referred to as a "bike lane." Bicycle lanes are striped and accommodate only one-way travel. (Beaverton Development Code)

BIKEWAY Bikeway means any path or roadway facility that is intended for and suitable for bicycle use. (Beaverton Development Code)

BLIGHTED AREA ~~An area where there are a substantial number of slum, deteriorated, or deteriorating structures and conditions that endanger life or property by fire or other causes or one or more of the following factors that substantially impairs or arrests the sound growth of a county or municipality and is a menace to the public health, safety, morals, or welfare in its present condition and use: predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions; deterioration of the site or other improvements; tax or special assessment delinquency exceeding the fair value of the land; and/or diversity of ownership or defective or unusual conditions of title that prevent the free alienability of land within the deteriorated or hazardous area.~~

~~BOD₅ (5-DAY BIOCHEMICAL OXYGEN DEMAND)~~

is a measure of the "strength" of sewage. It refers to the amount of oxygen required to stabilize the organic waste in 5 days.

BOULEVARD DESIGN

A design concept that emphasizes pedestrian travel, bicycling and the use of public transportation, and accommodates motor vehicle travel.

BUFFER ZONE

An area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other.

BUILDABLE LANDS

Lands in urban and urbanizable areas that are suitable, available and necessary for residential uses. Buildable lands includes both vacant land and developed land likely to be redeveloped. (ORS 197.295(1))

~~BUILDING, MAXIMUM HEIGHT~~ ~~The vertical distance from the average elevation of the finished grade to the highest point of the structure.~~

~~BUILDING; BUILD OUT~~ ~~Development of land to its full potential or theoretical capacity as permitted under current or proposed planning or zoning designations.~~

~~BULK ELECTRIC TRANSMISSION CORRIDORS~~

~~Rights of way and associated easements used for the placement of an interconnected group of electric lines and associated equipment for the movement or transfer of electricity in bulk between points of supply and points of delivery, where the transmission voltage is 230 KV or above.~~

~~BULK RETAIL USE~~ ~~A retail or wholesale to the public use that sells primarily institutional sized or multi-pack products in bulk quantities.~~

BUS

A motor vehicle designed for carrying 15 or more passengers, exclusive of the driver, and used for the transportation of persons. (ORS 184.674675(6))

C

~~CALCULATED CAPACITY~~ ~~The number of dwelling units and jobs that can be contained in an area based on the calculation required by the Metro Functional Plan.~~

~~CAMPUS DEVELOPMENT~~ ~~A development which meets the following criteria:~~

	(1) is located on a lot or contiguous lots within the Industrial or Institutional districts that total at least five acres in size; and
	(2) includes multiple buildings, which are interrelated in a common business or educational activity or process, and share a common infrastructure such as pedestrian ways and spaces, parking and vehicular accessways.
CAPITAL BUDGET	A portion of each local government's budget that reflects capital improvements scheduled for a funded fiscal year.
CAPITAL IMPROVEMENT	Physical assets constructed or purchased to provide, improve or replace a public facility and that are large in scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing.
CAPITAL IMPROVEMENTS PROGRAM (CIP)	
	A multi-year (usually five or six) schedule of capital improvement projects, including cost estimates and priorities, budgeted to fit financial resources. The CIP is administered by a city or county government and reviewed by its planning commission. It schedules permanent improvements needed in the future, taking into consideration the projected fiscal capability of the local jurisdiction. The CIP is generally reviewed annually for conformance to and consistency with the comprehensive plan. <u>In Beaverton, the CIP is called the Capital Improvements Plan.</u>
CAPACITY EXPANSION	Constructed or operational improvements to the regional motor vehicle system that increase the capacity of the system.
CARBON DIOXIDE	A colorless, odorless, non-poison gas that is a normal part of the atmosphere.
CARBON MONOXIDE	A colorless, odorless, highly poisonous gas produced by automobiles and other machines with internal combustion engines that imperfectly burn fossil fuels such as oil and gas.
CENTRAL BUSINESS DISTRICT (CBD)	
	The major commercial downtown center of a community.
CENTRAL CITY	The downtown and adjacent portions of the city of Portland. See the Growth Concept map and text.
	Downtown Portland is the Central city, which serves as the major regional center, an employment and cultural center for the metropolitan area. An average of 250 persons per acre are recommended.
CITY STREET	Any street located within the city or city and county, except a freeway, state highway, or county highway. ORS 376.705

CLUSTER DEVELOPMENT	Development in which a number of dwelling units are placed in closer proximity than usual, or are attached, with the purpose of retaining an open space area.
CLUSTERING	The practice of grouping permitted types of residential uses close together rather than distributing them evenly throughout a site while remaining at or below the permitted density.
COLLECTOR STREET	Collector streets provide both access and circulation within major areas of the city. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive access control, and penetrate residential neighborhoods, distributing trips from the neighborhood and local street system.
COMMERCIAL PARKING FACILITY	A parking structure or surface parking lot operated for profit that has parking spaces that are not accessory to a primary use. This term does not include a park and ride lot.
COMMERCIAL USES	Activities within land areas that are predominantly connected with the sale, rental and distribution of products, or performance of services.
COMMUNITY DEVELOPMENT DIRECTOR	<u>The Director of Community Development for the City of Beaverton, Oregon, or designee.</u>
COMMUNITY PLAN	<u>Volume V of the Comprehensive Plan. These documents describe policies and action statements and map designations specific to a particular geographic location.</u>
COMMUNITY NOISE EQUIVALENT LEVEL (CNEL)	A 24-hour energy equivalent level derived from a variety of single noise events, with weighting factors of 5 and 10 dBA applied to the evening (7:00 to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 am) periods, respectively, to allow for the greater sensitivity to noise during these hours.
COMPATIBLE	Capable of existing together without conflict or ill effects <u>discord or disharmony.</u>
COMPREHENSIVE	All inclusive, both in terms of geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. ORS 197.015
COMPREHENSIVE PLAN	A generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs. (ORS 197.015(5))

CONCURRENCY	A regulation specifying that before a development permit can be issued, what public facilities must be provided to the proposed development, when these facilities will be provided, and who will pay for them.
CONDOMINIUM	A structure of two or more units, the interior spaces of which are individually owned; the balance of the property (both land and building) is owned in common by the owners of the individual units.
CONGESTION	Occurs when traffic demand nears or exceeds the available capacity of the system.
CONGREGATE LIVING FACILITY	Any building(s), section of a building, residence, private home, boarding house, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding twenty-four hours, housing, food services and one or more personal care services to persons not related to the owner or operator by blood, marriage, or adoption. Such facilities shall contain congregate kitchen, dining and living areas only, with separate sleeping rooms. For purposes of this comprehensive plan, congregate living facilities shall not be deemed to include boarding/rooming houses; fraternities/sororities; monasteries; convents; hotels/motels; professional residential facilities; or nursing convalescent and extended care facilities.
CONNECTIVITY	The degree to which the local and regional street systems in a given area are interconnected. (Metro Code 3.07.1010(j))
CONSERVATION EASEMENT	The management of natural resources to prevent waste, destruction or neglect. <u>An easement specifically written to maintain or protect a natural resource.</u>
CONSERVATION USES	Activities within land areas designated for the purpose of conserving or protecting natural resources or environmental quality, including areas designated for such purposes as flood control, protection of quality or quantity of groundwater or surface water, floodplain management, fisheries management, or protection of vegetative communities and wildlife habitats.
CONVENIENCE GOODS	Retail items generally necessary or desirable for everyday living, usually purchased at a convenient nearby location. Because these goods cost relatively little compared to income, they are often purchased without comparison shopping.

COORDINATED PLAN	When the needs of all levels of governments, semipublic and private agencies and the citizens of Oregon have been considered and accommodated as much as possible. ORS 197.015
CORRIDORS	<p>While some corridors may be continuous, narrow bands of higher-intensity development along arterial roads, others may be more 'nodal,' that is, a series of smaller centers at major intersections or other locations along the arterial that have high-quality pedestrian environments, good connections to adjacent neighborhoods and good transit service. As long as the average target densities and uses are allowed and encouraged along the corridor, many different development patterns--nodal or linear--may meet the corridor objective. <u>(Metro Regional Framework Plan)</u></p> <p>Along good quality transit lines, corridors feature a high-quality pedestrian environment, convenient access to transit, and somewhat higher than current densities. <u>(Metro Code 3.07.130)</u> An average of 25 persons per acre is recommended. <u>(Metro Code 3.07.170)</u></p>
CRITICAL PUBLIC FACILITIES	<u>Critical public facilities and services shall include public water, public sanitary sewer, storm water system (including storm water quality and quantity facilities), transportation, and fire protection. (Engineering Design Manual and Standard Drawings Proposed Definition)</u>
CULTURAL RESOURCES	<u>Areas characterized by evidence of an ethnic, religious or social group with distinctive traits, beliefs, and social forms. For example, an archaeological site, such as an Indian burial ground could be an important cultural site.</u>
dB	Decibel; a unit used to express the relative intensity of a sound as it is heard by the human ear.
dBA	The "A-weighted" scale for measuring sound in decibels; weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of 10 dBA doubles the perceived loudness, though the noise is actually ten times more intense.
DBH	The diameter of a tree measured at breast height (4 feet).
DECISION, DISCRETIONARY	An action taken by a governmental agency that calls for the exercise of judgment in deciding whether to approve and/or how to carry out a project. <i>(See Decision, Quasi-Judicial)</i>
DECISION, LEGISLATIVE	<u>A decision of a local official or entity based upon the decision-maker's perception of the best course of action. The city typically employs legislative decisions in adopting an ordinance or resolution establishing a basic principle or policy. Examples are decisions to adopt a comprehensive plan, apply a plan designation to a large number of properties, or decisions which affect a large geographic area or number of persons. A decision</u>

D

made by elected officials of a local, state, or federal government based on their perception of the best course of action. No evidence must be present in the record to support the decision, and findings of fact based on the record are therefore not required. Legislative decisions typically occur when the city is adopting an ordinance or resolution, or establishing a basic principle or policies, such as during adoption of a comprehensive plan

DECISION, QUASI-JUDICIAL Refers to "judicial" acts by agencies and authorities that are not really constituted as courts of law, and which must make findings of fact based on the record and substantial evidence as part of their decision making process. For example, a ruling by the Planning Commission is a quasi-judicial decision, which must be based on findings of fact. Quasi-judicial decisions bear different aspects than legislative decisions. For example, requests of quasi-judicial decisions usually must actually result in a decision; quasi-judicial decisions are bound to apply pre-existing criteria to concrete facts; and they are customarily directed at a closely-circumscribed factual situation or small number of persons. The more a local government decision bears these emblems, the more it is a quasi-judicial decision.

DEDICATION The turning over by an owner or developer of private land for public use, and the acceptance of land for such use by the governmental agency having jurisdiction over the public function for which it will be used. Dedications for roads, parks, school sites, or other public uses are often made conditions for approval of development.

DENSITY The ratio of dwelling units or employees per unit of area (square feet, acre, square mile, etc.). Density generally refers to residential uses. A measure of the intensity of the development generally expressed in terms of dwelling units (du) per acre (i.e., less than 7.5 du per acre = low density; 7.5 to 15 du per acre = medium density, etc.) It can also be expressed in terms of population density (people per acre). It is useful for establishing a balance between potential local service use and service capacities.

DENSITY BONUS The allocation of development rights that allows a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is planned or zoned, usually in exchange for the provision or preservation of an amenity at the same site or at another location. (See *Development Rights, Transfer of*)

DENSITY CREDIT The transfer of development density rights from one piece of one property to another piece of the same property. A project site that contains environmentally sensitive areas or other

lands that should not be developed, as defined in this comprehensive plan, may be entitled to a density credit.

DENSITY, GROSS

The number of dwelling units per gross acre. Gross acreage is the total amount of raw land, including all developable and undevelopable portions.

DENSITY, NET

The number of dwelling units allowed on per net developable acre (the total acreage of developable portions of the site) (net developable acre) within a given land area.

DENSITY, RESIDENTIAL

The number of permanent residential dwelling units per acre of land. Densities specified in the comprehensive plan may be expressed in units per gross acre or per net developable acre (See Gross Acres and Net Acres ~~Acres, Gross and Acres, Net~~).

DENSITY TRANSFER

~~A way of retaining open space by concentrating densities, usually in compact areas adjacent to existing urbanization and utilities, while leaving unchanged historic, sensitive, or hazardous areas. In some jurisdictions, for example, developers can buy development rights of properties targeted for public open space and transfer the additional density to the base number of units permitted in the zone in which they propose to develop.~~

DESIGN PLAN

A plan for a defined geographic area in a single or multiple ownership that is consistent with the Comprehensive Plan and includes, but is not limited to, a land use and circulation plan, development standards, design guidelines, an open space plan, utilities plans and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the Design Review process. (Beaverton Development Code)

DESIGNATED BENEFICIAL WATER USES

~~The same as the term as defined by the Oregon Department of Water Resources, which is: an instream public use of water for the benefit of an appropriator for a purpose consistent with the laws and the economic and general welfare of the people of the state and includes, but is not limited to, domestic, fish life, industrial, irrigation, mining, municipal, pollution abatement, power development, recreation, stockwater and wildlife uses.~~

DESIGN TYPE

The conceptual areas described in the Metro 2040 Growth Concept text and map in Metro's regional goals and objectives, including central city, regional centers, town centers, station communities, corridors, main streets, inner and outer neighborhoods, industrial areas, and employment areas. (Metro Code 3.07.1010(m))

DEVELOPABLE LAND

~~Land that is suitable as a location for structures and that can be developed free of hazards to, and without disruption of, or significant impact on, natural resource areas.~~

DEVELOPER

An individual who or business that prepares ~~land~~ land for the construction of buildings or causes to be built physical space for use primarily by others, and in which the preparation of the land or the creation of the building space is in itself a business and is not incidental to another business or activity.

DEVELOPMENT

~~Any manmade change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. In addition, any other activity that results in removal of more than 10% of the existing vegetated area on the lot is defined as development, for the purposes of Title 3 (of the Regional Functional Plan).~~

~~Exceptions:~~

~~a. Stream enhancement or restoration projects approved by cities or counties.~~

~~b. Agricultural activity.~~

~~c. Replacement, additions, alternations and accessory uses for existing structures and development that do not encroach into the Water Quality and Flood Management Area more than the existing structure or development.~~

~~The physical extension and/or construction of urban land uses. Development activities include: subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetation cover (with the exception of agricultural activities). The making of any material change in the use of any building or other land is development, while routine repair and maintenance activities are not. Generally, any man-made change to existing or proposed use of real property. Development activities include: land divisions, lot line adjustments, construction or alteration of structures, construction of roads and any other accessway, establishing utilities or other associated facilities, grading, deposit of refuse, debris or fill, and clearing of vegetative cover. Does not include routine acts of repair or maintenance.~~

DEVELOPMENT APPLICATION ~~An application for a land use decision, limited land use decisions including expedited land divisions, but excluding partitions as defined in ORS 92.010(7) and ministerial decisions such as a building permit.~~

DEVELOPMENT PHASING ~~The process by which a large scale project is built in stages over a period of time, concurrent with market conditions or the provision of public facilities.~~

DEVELOPMENT RIGHTS, TRANSFER OF (TDR)

Also known as "Transfer of Development Credits," a program that can relocate potential development from areas where proposed land use or environmental impacts are considered undesirable (the "donor" site) to another ("receiver") site chosen on the basis of its ability to accommodate additional units of development beyond that for which it was zoned, with minimal environmental, social, and aesthetic impacts.

DISABLED (HANDICAPPED) — A person determined to have a physical impairment or mental disorder expected to be of long or indefinite duration. Many such impairments or disorders are of such a nature that a person's ability to live independently can be improved by appropriate housing conditions.

DRIVE-THROUGH FACILITIES — A building or use where the primary method of selling or servicing of goods or services is designed to allow drivers to remain in their vehicles before and during an activity on the site.

DWELLING UNIT — A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), which constitutes an independent housekeeping unit, occupied or intended for occupancy by one household on a long term basis.

A structure or part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household. (ORS 90.010(9))

EARTHQUAKE HAZARDS — Ground shaking, landslides, liquefaction and amplification are all earthquake hazards that can cause damage to structures and infrastructure. (Beaverton Natural Hazards Mitigation Plan)

EASEMENT — A form of nonpossessory Usually the right to use property owned by another for specific purposes or to gain access to some portion of another's property. For example, utility companies often have easements on the private property of individuals in order to install and maintain utility facilities.

ECONOMIC OPPORTUNITIES ANALYSIS

An "economic opportunities analysis" is a strategic assessment of the likely trends for growth of local economies in the state consistent with OAR 660-09-015. Such an analysis is critical for economic planning and for ensuring that the land supply in an urban area will meet long term employment needs.

EDUCATIONAL USES — Activities and facilities of public or private primary or secondary schools, vocational and technical schools, and colleges and universities, including the areas of buildings, campus open space, dormitories, recreational facilities and parking.

EFFLUENT	Wastewater leaving a treatment plant.
ELDERLY HOUSING	Typically one and two bedroom apartments designed to meet the needs of persons 62 years of age or older or, if more than 150 units, persons 55 years of age and older, and restricted to occupancy by them. <u>(See Congregate Living Facility)</u>
EMPLOYMENT AREAS	Areas of mixed employment that include various types of manufacturing, distribution and warehousing uses, commercial and retail development as well as some residential development. Retail uses should primarily serve the needs of people working or living in the immediate employment area. Exceptions to this general policy can be made only for certain areas indicated in a functional plan. <u>Commercial uses are to be limited.</u>
	Various types of employment and some residential development are encouraged in employment areas with limited commercial uses. <u>Recommended density is 20 persons per acre.</u>
ENCLAVE	A geographical area that is surrounded partially or totally by land managed by another jurisdiction, and for which the management of that area by the governing jurisdiction is impeded because of its inaccessibility.
ENCROACHMENT AREA	Areas in floodplains and floodways where development is restricted due to potential impacts on natural hydrologic characteristics. Development or raising of the ground level (e.g., to avoid flood damage) in encroachment areas will obstruct flood water flows, raising the water surface level. Demand to build structures in the flood plain, regardless of potential flooding dangers, is common in urban areas. Reasons typically include lack of suitable land or lower flat land development costs compared to building on steeper gradients.
ENDANGERED SPECIES	A species of animal or plant is considered to be endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes. <u>(See Title 50 of the Code of Federal Regulations)</u>
ENGINEERING DIRECTOR	The director of the Engineering Department of the City of Beaverton, Oregon, or designee.
ENHANCE	To improve existing conditions by increasing the quantity or quality of beneficial uses.
ESSENTIAL PUBLIC FACILITIES	<u>Essential facilities and services shall include schools, transit improvements, police protection, and public pedestrian and bicycle facilities.</u>
ESTABLISHED NEIGHBORHOOD	A neighborhood where platted lands are at least eighty percent developed and occupied, and where substantial deterioration since development has either not occurred or been reversed.

EQUIVALENT DWELLING UNITS (EDU's) —

~~The standard unit of measurement for determining wastewater system capacity, which indexes all wastewater system generation and use to the amount used by an average dwelling unit.~~

EXCEPTION — ~~An exception is taken for land when either commitments for use, current uses or other reasons make it impossible to meet the requirements of one or a number of the statewide planning goals.~~

EXPANSIVE SOILS — ~~Soils that swell when they absorb water and shrink as they dry.~~

EXPRESSWAY — ~~A divided multi-lane arterial highway for through traffic with full or partial access control and (generally) grade separations at major intersections.~~

FAIR SHARE — ~~A proportionate amount by local jurisdiction. Used in the context of affordable housing in this document. "Fair share" means that each city and county within the region working with Metro to establish local and regional policies that will provide the opportunity within each jurisdiction for accommodating a portion of the region's need for affordable housing.~~

FAMILY (1) Two or more persons related by birth, marriage or adoption [U.S. Bureau of the Census]. (2) An individual or a group of persons living together who constitute a *bona fide* single family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club or other group of persons occupying a hotel, lodging house or institution of any kind.

FAMILY WAGE JOB — ~~A permanent job with an annual income greater than or equal to the average annual covered wage in the region. The most current average annual covered wage information from the Oregon Employment Division shall be used to determine the family wage job rate for the region or for counties within the region.~~

FEASIBLE Capable of being done, executed, or managed successfully from the standpoint of the physical and/or financial abilities of the implementer(s).

FINANCE OF FINANCING — ~~The issuance of revenue bonds pursuant to ORS 301.570 by the authority for the purpose of providing financial assistance to districts. ORS 301.510~~

FINANCIAL ASSISTANCE — ~~Providing of methods of financing of costs of mass transit facilities under ORS 267.227 and 391.500 to 391.660. ORS 391.510~~

FIRE HAZARD ZONE — ~~An area where, due to slope, fuel, weather, or other fire-related conditions, the potential loss of life and property from a fire~~

F

necessitates special fire protection measures and planning before development occurs.

FIRM YIELD — The amount of water a supply source can provide on a continuous basis, without deficit, under a full range of hydrological conditions (may be based on records of previous 40 or 50 years.) Since that is a worse-case scenario, supply is sometimes measured by a percentage of time a particular yield can be supplied.

FISCAL TAX EQUITY — The process by which interjurisdictional fiscal disparities can be addressed through a partial redistribution of the revenue gained from economic wealth, particularly the increment gained through economic growth.

~~FISH AND WILDLIFE HABITAT CONSERVATION AREA~~

— The area defined on the Metro Water Quality and Flood Management Area Map to be completed and attached to the Urban Growth Management Functional Plan. These include all Water Quality and Flood Management Areas that require regulation in order to protect fish and wildlife habitat. This area has been mapped to generally include the area 200 feet from top of bank of streams in undeveloped areas with less than 25% slope, and 100 feet from edge of mapped wetland on undeveloped land.

FLOOD PLAIN**FLOODPLAIN** Land subject to periodic flooding, including the 100-year floodplain as mapped by FEMA Flood Insurance Studies or other substantial evidence of actual flood events. — The floodplain includes the land area identified and designated by the United States Army Corps of Engineers, the Oregon Department of State Lands, FEMA, or Washington County that has been or may be covered temporarily by water as a result of a storm event of identified frequency and the area along a watercourse enclosed by the outer limits of land that is subject to inundation in its natural or lower floodway fringe, and equal to the FIRM designation of an area of special hazard.

FLOODWAY FRINGE — Areas inundated during a 100-year flood event or identified by the National Flood Insurance Program as an "A" Zone or "V" Zone on Flood Insurance Rate Maps or Flood Hazard Boundary Maps. The area of the flood plain, lying outside the floodway, which does not contribute appreciably to the passage of flood water, but serves as a retention area.

FLOODWAY The floodway is the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights.

FLOOR AREA RATIO (FAR) The amount of gross floor area in relation to the amount of net site area, expressed in square feet. (Beaverton Development Code)

FLOOR AREA RATIO (FAR) CREDIT

The transfer of development intensity rights from one piece of one property to another piece of the same property. A project site that contains environmentally sensitive areas or other areas that should remain undeveloped, may be entitled to an intensity credit.

FREEWAY

Freeways provide the highest level of connectivity. These roadways generally span several jurisdictions and are often of statewide importance.

FREIGHT MOBILITY

The efficient movement of goods from point of origin to destination.

FRONTAGE YARD

The yard between a building and a street or public right-of-way or easement for public travel.

FUNCTIONAL CLASSIFICATION OR MAP Street Functional Classification

FUNCTIONAL PLAN

~~A limited purpose multi-jurisdictional plan for an area or activity having significant district-wide impact upon the orderly and responsible development of the metropolitan area that serves as a guideline for local comprehensive plans consistent with ORS 268.390, in the context of the~~
Comprehensive Plan, Functional Plan means the Metro Urban Growth Management Functional Plan. Metro's Urban Growth Management Functional Plan is one of several Metro Functional Plans.

FUNCTIONS AND VALUES OF STREAM CORRIDORS

~~Stream corridors have the following functions and values: water quality retention and enhancement, flood attenuation, fish and wildlife habitat, recreation, erosion control, education, aesthetic, open space and wildlife corridor.~~

GATEWAY

A point along a roadway entering the city at which a motorist gains a sense of having left the environs and of having entered the city.

GENERAL NATURE

~~A summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. ORS 197.015~~

GEOLOGIC REVIEW

~~The analysis of geologic hazards, including all potential seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, and the potential for erosion and sedimentation.~~

GOAL

~~The mandatory state wide planning standards adopted by LCDC pursuant to ORS Chapters 195, 196 and 197. ORS 197.015~~
A general, long term aim or end toward which programs or activities are ultimately directed.

G

GOALS	<u>The mandatory statewide planning standards adopted by the Land Conservation and Development Commission pursuant to ORS chapters 195, 196, and 197. (ORS 197.015(8)) (OAR 660-018-0010(10))</u>
GREENBELT	An open space area surrounding an urbanized community; sometimes defined as an open space buffer separating one community from another. A greenbelt is generally composed of different types of open space: parks, agricultural land, land with other important natural resource values, and land that is left open to protect the public health and safety.
GROSS ACRES	<u>The entire acreage of a site, including proposed rights of way, easements, environmental lands, etc. Gross acreage is measured from the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.</u>
GROUNDWATER	Water under the earth's surface, often confined in in aquifers, capable of supplying wells and springs.
GROUNDWATER RECHARGE	The natural process of infiltration and percolation of rainwater from land areas or streams through permeable soils into water holding rocks that provide underground storage (See Aquifer).
GROWTH CONCEPT	<u>As defined in the Metro Regional Framework Plan, the Growth Concept is Aa concept for the long-term growth management of our region stating the preferred form of the regional growth and development, including where and how much the UGB should be expanded, what densities should characterize different areas, and which areas should be protected as open space.</u>
GROWTH CONCEPT MAP	<u>The conceptual map demonstrating the 2040 Growth Concept design types attached to the Urban Growth Management Functional Plan Appendix and adopted as -Metro Code 3.07.1010(z).</u>
GROWTH MANAGEMENT	A method to guide development in order to minimize adverse environmental and fiscal impacts and maximize the health, safety, and welfare benefits to the residents of the community.
GUIDELINES	Suggested approaches designed to aid cities and counties in preparation, adoption and implementation of comprehensive plans in compliance with goals and to aid state agencies and special districts in the preparation, adoption and implementation of plans, programs and regulations in compliance with goals. Guidelines shall be advisory and shall not limit state agencies, cities, counties and special districts to a single approach. ORS 197.015

H

H

HABITAT	Any area where there is naturally occurring food and cover for wildlife.
HARD SURFACED HIGHWAYS	Any state road or highway constructed and surfaced or to be constructed and surfaced with such materials or combinations of materials as to produce what is commonly known or styled "pavement", and not such construction or surfacing as is commonly known as "macadam". ORS 366.015
HAZARDOUS MATERIALS	<p>Materials described as hazardous by Oregon Department of Environmental Quality.</p> <hr/> <p>Any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. The term includes, but is not limited to, hazardous substances and hazardous wastes.</p> <hr/> <p><u>Hazardous material or substance includes but is not limited to a substance designated under 33 U.S.C. §1321 (b)(2)(A), any element, compound, mixture, solution or substance designated under 42 U.S.C. §9602, any hazardous waste having characteristics identified under or listed under 42 U.S.C. §6921, any toxic pollutant listed under 33 U.S.C. §1317 (a), any imminently hazardous chemical substance or mixture with respect to which the Administrator of the United States Environmental Protection Agency has taken action under 15 U.S.C. §2606, and any residue classified as hazardous waste pursuant to ORS 466.020(3). (CWS Design and Construction Standards)</u></p>
HIGH CAPACITY TRANSIT	Transit routes that may be either a road designated for frequent bus service or for a light-rail line. (<u>Metro Regional Framework Plan definition</u>)
HIGH OCCUPANCY VEHICLE (HOV)	Any vehicle other than a driver-only automobile <u>single occupancy vehicle</u> (e.g., a vanpool, a bus, or two or more persons to a car).
HIGHWAY	High speed, high capacity, limited access transportation facility serving regional and countywide travel. Highways may cross at a different grade level.

HILLSIDE AREAS	Land that has an average percent of slope equal to or exceeding fifteen percent.
HISTORIC	An historic building or site is one that is noteworthy for its significance in local, state, or national history or culture, its architecture or design, or its works of art, memorabilia, or artifacts.
HISTORIC PRESERVATION	The preservation of historically significant structures and neighborhoods in order to facilitate restoration and rehabilitation of the building(s) to a former condition.
HISTORIC BUILDINGS OR STRUCTURES	RESOURCES <u>Also known as Historic Resources, these are all areas, districts or sites containing properties listed on the city of Beaverton List of Historic Properties, or the State Historic Preservation Office, or the National Register of Historic Places.</u>
HOUSEHOLD	All those persons, related or unrelated, who occupy a single housing unit. (See <i>Family</i>)
HOUSING AFFORDABILITY	The availability of housing such that no more than 30 percent (an index derived from federal, state and local housing agencies) of the monthly income of the household need be spent on shelter. <u>(Metro Regional Framework Plan definition)</u>
HOUSING UNIT	The place of permanent or customary abode of a person or family. A housing unit may be a single family dwelling, multifamily dwelling, condominium, modular home, mobile home, cooperative, or any other residential unit considered real property under State law. A housing unit has, at least, cooking facilities, a bathroom, and a place to sleep. (See <i>Dwelling Unit, Family, and Household</i>)

I

IMPACT	The effect of any direct manmade actions or indirect repercussions of manmade actions on existing physical, social, or economic conditions.
IMPACT FEE	A fee, also called a development fee, levied on the developer of a project by a city, county, or other public agency as compensation for otherwise unmitigated impacts the project will produce.
IMPLEMENTING REGULATIONS	Any city or county land use regulation as defined by ORS 197.015(11) which includes zoning, land division or other

ordinances which establishes standards for implementing a comprehensive plan.

INDUSTRIAL

The manufacture, production, assembly, processing, or storage of consumer goods. Industrial is often divided into "heavy industrial" uses, such as construction yards, quarrying, and factories; and "light industrial" uses, such as research and development and less intensive warehousing and manufacturing. Activities generating income from the production, handling or distribution of goods. Industrial uses include, but are not limited to manufacturing, assembly, fabrication, processing, storage, logistics, warehousing, distribution and research and development. Industrial uses may have unique land, infrastructure and transportation requirements. Industrial uses tend to have external impacts on surrounding uses and cluster in traditional or new industrial areas where they are segregated from other non-industrial activities. (OAR 660-009-0005(2))

INDUSTRIAL AREAS

An area set aside for industrial activities. Supporting commercial and related uses may be allowed, provided they are intended to serve the primary industrial users. Residential development shall not be considered a supporting use, nor shall retail users whose market area is substantially notably larger than the industrial area be considered supporting uses. (Metro Regional Framework Plan)

~~Industrial areas would be set aside primarily for industrial activities. Other supporting uses, including some retail uses, may be allowed if limited to sizes and locations intended to serve the primary industrial uses. They include land-intensive employers, such as those around the Portland International Airport, the Hillsboro Airport and some areas along Highway 212/224. Areas of high agglomerative economic potential, such as the Sunset Corridor for electronic products and the Northwest Industrial sanctuary for metal products, shall be supported with transportation planning and infrastructure development designed to meet their needs. Industrial areas are expected to accommodate 10 percent of regional employment and no households. Retail uses whose market area is substantially larger than the employment area shall not be considered supporting uses.~~

~~The siting and development of new industrial areas would consider the proximity of housing for all income ranges provided by employment in the projected industrial center, as well as accessibility to convenient and inexpensive non auto transportation. The continued development of existing industrial areas would include attention to these two issues as well.~~

~~Industrial area are set aside primarily for industrial activities with limited supporting uses. Average recommended density is 9 employees per acre. Retail uses larger than 60,000 square foot of gross leasable area per building or business are prohibited in Industrial Areas designated on the Metro Employment and Industrial Areas Map.~~

INDUSTRIAL PARK

See City of Beaverton Development Code

INFILL	New development on a parcel or parcels of less than one contiguous acre located within the Urban Growth Boundary.
INFILL DEVELOPMENT	Development on scattered vacant sites within the urbanized area of a community.
INFLUENT	Wastewater coming into a treatment plant.
INFRASTRUCTURE	<p><u>Component of a functioning, orderly urban fabric, such as roads, water systems, sewage systems, systems for storm drainage, telecommunications and energy transmission and distribution systems, bridges, transportation facilities, parks, schools and public facilities developed to support the functioning of the developed portions of the environment. Areas of the undeveloped portions of the environment such as floodplains, riparian and wetland zones, groundwater recharge and discharge areas and Greenspaces that provide important functions related to maintaining the region's air and water quality, reduce the need for infrastructure expenses and contribute to the region's quality of life. (Metro Regional Framework Plan definition)</u></p> <p><u>Those manmade structures serving the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; stormwater systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; revetments; causeways; marinas; navigation channels; bridges; roadways; and streets.</u></p>
INNER NEIGHBORHOODS	<p>Areas in Portland and the older cities that are primarily residential, close to employment and shopping areas, and have slightly smaller lot sizes and higher population densities than in outer neighborhoods. <u>(Metro Regional Framework Plan) Beaverton's Land Use Designation Neighborhood Residential identifies its Inner Neighborhoods.</u></p> <p><u>Inner neighborhoods include areas such as Portland, Beaverton, Milwaukie and Lake Oswego, and would include primarily residential areas that are accessible to employment. lot sizes would be smaller to accommodate densities increasing from 1990 levels of about 11 people per acre to about 14 people per acre. Inner neighborhood would trade smaller lot sizes for better access to jobs and shopping. They would accommodate about 28 percent of new households and 15 percent of new employment. (Some of the employment would be home occupations and the balance would be neighborhood-based employment such as schools, daycare and some neighborhood businesses).</u></p> <p><u>Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods. Average recommended density is 14 persons per acre.</u></p>

INTERMODAL	The connection of one type of transportation mode with another.
INTERMODAL FACILITY	A transportation element that accommodates and interconnects different modes of transportation and serves the statewide, interstate and international movement of people and goods.
INSTITUTIONAL	(1) Privately owned and operated activities that are institutional in nature, such as hospitals, museums, and schools; (2) churches and other religious institutions; and (3) other nonprofit activities of an education, youth, welfare, or philanthropic nature that cannot be considered a residential, commercial or industrial activity <u>(4) academic, governmental and community service uses, either publicly owned or operated by nonprofit organizations; and (5) facilities including transportation, sewer, solid waste, drainage, potable water, and parks and recreation systems or facilities.</u>
INTENSITY	A measure of land use activity based on density, use, mass, size, and/or impact.
INTERCHANGE	A system of interconnecting roadways in conjunction with one or more grade separations, providing for the interchange of traffic between two or more roadways on different levels.
INTERIOR YARD	The yard between a building and a lot line that does not abut a street or public right-of-way or easement for public travel.
INTERIM USE	Any use permitted conditionally for a fixed period of time not to exceed five years, at which time the interim use shall be eliminated unless extended through the conditional use permit process for a specified time not to exceed three years.
INTERSECTING STREET	Any street which meets or crosses a pedestrian mall at a mall intersection but includes only those portions thereof on either side of a mall intersection which lie between the mall intersection and the first intersection of the intersecting street with a public street or highway open to vehicular traffic. ORS 376.705
JOBS/HOUSING BALANCE	The relationship between the number, type, mix and wages of existing and anticipated jobs balanced with housing costs and availability so that non-auto trips are optimized in every part of the region.
JOBS/HOUSING RATIO	Numerical ratio of number of employment positions to dwelling units, where 1 is a balanced community >1 is a job rich community and <1 is a job poor community.

J

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~~KEY OR CRITICAL PUBLIC FACILITIES AND SERVICES~~

~~Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including transportation, water supply, sewage, parks, schools and solid waste disposal.~~

L

L

LANDSCAPING

~~Planting, including trees, shrubs, and ground covers, suitably designed, selected, installed, and maintained so as to enhance a site, street, or roadway permanently.~~

The combination of natural elements such as trees, shrubs, ground covers, vines and other living organic and inorganic material which are installed for purposes such as creating an attractive and pleasing environment and screening unsightly views. Other improvements that promote an attractive and pleasing environment that may be included as landscaping includes features such as fountains, patios, decks, fences, street furniture and ornamental concrete or stonework areas. (Beaverton Development Code)

LANDSCAPE STRIP

The portion of public right-of-way located between the sidewalk and curb. (Metro Code 3.07.1010(ee))

LAND USE

The occupation or use of land or water area for any human activity or any purpose defined in the a comprehensive plan.

LAND-USE CATEGORY

~~A classification used to designate, geographically on a map and/or in text form, what activities are permitted within the area designated.~~

LAND-USE DECISION — (a) Includes:

~~(A) A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:~~

~~(i) The goals;~~

~~(ii) A comprehensive plan provision;~~

~~(iii) A land use regulation; or~~

~~(iv) A new land use regulation; or~~

	(B) A final decision or determination of a state agency other than LCDC [REDACTED] is required to apply the goals; and
	(b) Does not include a decision of a local government:
	(A) Which is made under land use standards which do not require interpretation or the exercise of policy or legal judgment;
	(B) Which approves or denies a building permit issued under clear and objective land use standards;
	(C) Which is a limited land use decision; or
	(D) Which determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; and
	(e) Does not include a decision by a school district to close a school. ORS 197.015
LAND USE ELEMENT	A long range development guide in a comprehensive plan to coordinate the various functional plans related to the physical development of the community, which also guide future growth and development.
LAND USE MAP (SERIES)	The graphic aid(s) intended to depict the spatial distribution of various land uses by land use category, subject to the goals, policies, implementation measures; and the exceptions and provisions of the Land Use Element text and applicable land development regulations.
LAND USE REGULATION	Any local government zoning ordinance, land division ordinance adopted under ORS 92.044 or 92.046 or similar general ordinance establishing standards for implementing a comprehensive plan. (ORD 197.015(11))
LAND DEVELOPMENT REGULATIONS	Ordinances enacted by local governing bodies for the regulation of any aspect of development, including any local government zoning, rezoning, subdivision, building construction or sign regulations or any other regulations controlling the development of land.
LATERALS	The sewer lines that connect users to sewer mains.
L_{dn} (Day-Night Average Sound Level)	The A-weighted average sound level for a given area (measured in decibels) during a 24 hour period with a 10 dB weighting applied to nighttime sound levels. The L_{dn} is approximately

~~numerically equal to the CNEL for most environmental settings.~~

LEVEL OF SERVICE (LOS) An indicator of the extent or degree of service provided by or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service generally indicates the capacity per unit of demand for a public facility.

~~**LIGHT INDUSTRIAL LAND USE DISTRICT (LI)**~~

~~See City of Beaverton Development Code.~~

LIGHT RAIL TRANSIT (LRT) STATION SITE

Land currently or eventually to be owned or leased by Tri-Met, on which facilities will be located related to a light rail transit station. The station site may include station platforms, park and ride lots, bus stops, and other similar facilities. (Beaverton Development Code)

~~**LIMITED ACCESS FACILITY**~~ ~~A roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.~~

~~**LIMITED LAND USE DECISION**~~ ~~A final decision or determination made by a local government pertaining to a site within an urban growth boundary which concerns:~~

~~(a) The approval or denial of a subdivision or partition, as described in ORS Chapter 92.~~

~~(b) The approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review. ORS 197.015~~

~~**LINEAR RETAIL**~~ ~~Areas characterized by free standing retail and office uses lining high volume roads, which experience decreased operating speeds as a result of the multiple curbs, signage and other site design factors associated with such uses. This type of development pattern is also referred to as strip commercial.~~

~~**LIQUEFACTION**~~ ~~The transformation of loose water saturated granular materials (such as sand or silt) from a solid into a liquid state. A type of ground failure that can occur during an earthquake.~~

~~**LIVE/WORK FACILITIES**~~ ~~Facilities combining Residential use types with Commercial or Limited Light Industrial use types.~~

~~**LOCAL ACCESS ROAD**~~ ~~A public road that is not a county road, state highway or federal road. ORS 368.001~~

LOCAL STREET	Local streets have the primary function of providing access to adjacent land. Service to through-traffic movement on local streets is deliberately discouraged by design. Residential local streets serve a traffic function as well as being important to neighborhood identity.
LOCAL TRIP	A trip of 2½ miles or less in length.
LOT OF RECORD	A lot that is part of a subdivision, the plat of which has been recorded in the Office of the Washington County Surveyor; or any parcel of land, whether or not part of a subdivision, that has been officially recorded by a deed in the office of the County Surveyor, provided such lot met the minimum dimensions for lots in the zoning district in which it was located at the time of recording, or was recorded prior to the effective date of zoning in the area where the lot is located and met the requirements of any subdivision regulations in effect at the time of the recording.
LOT	<u>A single unit of land such as a tract, lot, block or parcel. A continuous area owned or under the lawful control and in the lawful possession of one distinct ownership undivided by a dedicated street, alley, or other ownership. An abutting "platted lot, or property described by metes and bounds, in the same ownership, shall be considered part of such 'lot'."</u>
LOW INCOME HOUSEHOLD (FAMILY)	A household with an annual income usually no greater than 80% of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.
MAJOR AMENDMENT	A proposal made to the Metro Council for expansion of the Urban Growth Boundary of 20 acres or more, consistent with the provisions of the Metro Code.
MAJOR PEDESTRIAN ROUTE	Any pedestrian way in a public right-of-way or easement which assists access to a light rail station or transit stop leading to a light rail station or transit stop, that is presently used or is likely to be to be used by pedestrians to access public transportation service including light rail or transit stations. <u>(Beaverton Development Code)</u>
MAIN STREETS	Neighborhood shopping areas along a main street or at an intersection, sometimes having a unique character that draws people from outside the area. Northwest 23rd Avenue and Southeast Hawthorne Boulevard are current examples of main streets. <u>Beaverton's main streets generally include two nodes on Allen Boulevard 1) between Hall Boulevard and Murray Road, and 2) at Oleson Road.</u>

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	Main streets typically will serve neighborhoods and may develop a regional specialization—such as antiques, fine dining, entertainment or specialty clothing—that draws people from other parts of the region. Main S
	Neighborhoods will be served by main streets with retail and service developments served by transit. An average of 39 persons per acre is recommended
MAJOR TRANSIT STREET	A street whose functions include providing vehicular access to a LRT station, other transit stops, or transit-serving parking or serves as a major route for transit vehicles. All such routes are designated in the Beaverton Comprehensive Plan.
MAIN TRAVELED WAY	The through traffic lanes, exclusive of frontage roads, auxiliary lanes and ramps. ORS 377.605
MAINTAIN, v.	To keep in an existing state. (See <i>Preserve, v.</i>)
MALL INTERSECTION	Any intersection of a city street constituting a part of a pedestrian mall with any street, which intersection is itself part of the pedestrian mall. ORS 376.705
MAN MADE WATER BODIES	For the purposes of determining permitted density, these shall be defined as those water covered lands, either existing or to be created as part of a proposed development including land excavation and lake creation as defined in applicable development regulations, which do not satisfy the definition of "Water Bodies" as defined in this section.
MANUFACTURED HOME	A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. (ORS 446.003(26)(a)(C)(i))
MASS TRANSIT	Passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rapid rail transit, light rail transit, fixed guideway transit, express bus, and local fixed route bus.
MASS TRANSIT FACILITY OR FACILITIES	Any or all property constituting a mass transit system, or any portion thereof, in any manner owned, used, leased or operated by a district and which is located wherever a district is authorized to operate. ORS 391.510
MASS TRANSIT SYSTEM	The property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide for the movement of people, including park and ride stations, transfer stations, parking lots, malls, and skyways,

provided that nothing contained herein shall limit the power of a city to exercise its general powers over or provide such stations, lots, malls, or skyways. ORS 267.010

MASTER PLAN

A plan for a defined geographic area in single or multiple ownership that is consistent with the Comprehensive Plan and includes a land use and circulation plan, land use regulations, development standards, design guidelines, open space plan, utilities plans, and a program of implementation measures and other mechanisms needed to carry out the plan. The plan shall be created through the land use review process, pursuant to the City of Beaverton Development Code. (Beaverton Development Code)

MEDIAN

~~The center portion of public right of way, located between opposing directions of motor vehicle travel lanes. A median is usually raised and may be landscaped, and usually incorporates left turn lanes for motor vehicles at intersections and major access points.~~

METRO

~~The Metropolitan Service District for the Portland Metropolitan Area regional governmental agency, responsible for coordinating the provision of transportation services and developing the region's priorities for expenditure of State and Federal transportation funding, responsible for regional planning and regional service provision. (ORS 195)~~

METRO

The regional government of the metropolitan area, the elected Metro Council as the policy setting body of government. The Metropolitan Services District of the Portland metropolitan area, a municipal corporation established and existing pursuant to Section 14 of Article XI of the Oregon Constitution, ORS Chapter 268 and the Metro Charter. (Metro Code 1.01.040(e))

METRO BOUNDARY

~~The jurisdictional boundary of Metro, the elected regional government of the metropolitan area.~~

METRO PLANNING GOALS AND OBJECTIVES

The land use goals and objectives that a metropolitan service district is required to adopt under ORS 268.380. (1). The goals and objectives do not constitute a comprehensive plan. (ORS 197.015(15))

METRO REGIONAL FRAMEWORK PLAN

The regional framework plan and implementing ordinances required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan. (ORS 197.015(16))

METRO URBAN GROWTH BOUNDARY

The urban growth boundary as adopted and amended by the Metro Council, consistent with state law. Also referred to as "UGB". (Metro Code 3.07.1010(kk))

Means the Urban Growth Boundary for Metro pursuant to ORS 268.390 and 197.005 through 197.430. (Metro Code 1.01.010(v))

METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN

The functional plan that implements regional goals and objectives adopted by the Metro Council as the Regional Urban Growth Goals and Objectives (RUGGO), including the Metro 2040 Growth Concept and the Regional Framework Plan. (Metro Code 3.07.010)

METROPOLITAN AREA ————— The area which on October 4, 1997, lies within the boundaries of Clackamas, Multnomah and Washington Counties (ORS 268.020(3))

~~The regional framework plan required by the 1992 Metro Charter or its separate components. Neither the regional framework plan nor its individual components constitute a comprehensive plan. ORS 197.015~~

METROPOLITAN HOUSING RULE

A rule (OAR 660, Division 7) adopted by the Land Conservation and Development Commission to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metro UGB. This rule establishes minimum overall net residential densities for all cities and counties within the UGB, and specifies that 50 percent of the land set aside for new residential development be zoned for multi-family housing.

~~**SERVICE DISTRICT (METRO)** ————— The Portland Metropolitan Area regional governmental agency, responsible for coordinating the provision of transportation services and developing the region's priorities for expenditure of State and Federal transportation funding, responsible for regional planning and regional service provision. (ORS 195)~~

~~METROPOLITAN SIGNIFICANCE~~ **METROPOLITAN SIGNIFICANCE**

~~Having major or significant district-wide impact. ORS 268.020~~ An issue or action with major or significant impact throughout the metropolitan area.

MINERAL RESOURCE ————— Land on which known deposits of commercially viable mineral or aggregate deposits exist. This designation is applied to sites determined by the State Division of Geology and Mines as being a resource of regional significance, and is intended to help maintain quarrying operations and protect them from encroachment of incompatible land uses.

MINIMIZE, V. ————— ~~To reduce or lessen, but not necessarily to eliminate.~~

~~(e) MITIGATE, V.~~ To ameliorate, alleviate, or avoid to the extent reasonably feasible.

MIXED USE

Comprehensive plan or implementing regulations that permit a mixture of commercial and residential development.

Properties on which various uses, such as office, commercial, institutional and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. Land uses, which when combined constitute mixed or multiple uses, exclude parks, golf courses, schools, and public facilities (fire stations, utility substations, etc.).

Mixed-use development is a type of multiple-use in which one or more structures on a lot or contiguous lots in common ownership, accommodate any of the following combinations of uses

(1) Residential Mixed-Use Project with residential units occupying a minimum of 25 percent of the total floor area and the remaining floor area occupied by retail, office, light industrial, community service or other residentially compatible uses or combinations thereof;

(2) Non-Residential Mixed-Use Project consisting of office retail, light industrial, community service or other compatible uses or combination thereof with retail space or other pedestrian oriented commercial uses occupying a minimum of 60% of the street level building frontage.

A building or groups of buildings under one ownership, to encourage a diversity of compatible land uses, which may include a mixture of residential, office, retail, recreational, light industrial, and other miscellaneous uses.

~~MOBILITY~~ The speed at which a given mode of travel operates in a specific location.

MOBILE HOME

A structure, transportable in one or more sections, built on a permanent chassis and designed for use as a single family dwelling unit and that (1) has a minimum of 400 square feet of living space; (2) has a minimum width in excess of 102 inches; (3) is connected to all available permanent utilities; and (4) is tied down (a) to a permanent foundation on a lot either owned or leased by the homeowner or (b) is set on piers, with wheels removed and skirted, in a mobile home park under a lease with a minimum period of one year. If fabricated after June 15, 1976, each section bears a U.S. Department of Housing and Urban Development label certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards. A structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

MODERATE INCOME HOUSEHOLD (FAMILY)

A household with an annual income between the lower income eligibility limits and 120 percent of the area median family income adjusted by household size, usually as established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program. (*See Low Income Household*)

MODE SPLIT TARGET — The individual percentage of public transportation, pedestrian, bicycle and shared ride trips expressed as a share of total person trips.

MOTOR VEHICLE — Automobiles, vans, public and private buses, trucks and semi-trucks, motorcycles and mopeds.

MULTI-FAMILY DWELLING UNITS

Three or more attached dwelling units either stacked vertically above one another and/or attached by both side and rear walls.

Means attached housing where each dwelling unit is not located on a separate lot. (OAR 660-007-0005(11))

MULTI-MODAL

Transportation facilities or programs designed to serve many or all methods of travel, including all forms of motor vehicles, public transportation, bicycles and walking. (Metro Code 3.07.1010(rr))

MULTI-MODAL ARTERIALS

These represent most of the region's arterials. They include a variety of design styles and speeds, and are the backbone for a system of multi-modal travel options. Older sections of the regional are better designed for multi-modal travel than new areas. Although these streets are often smaller than suburban arterials, they carry a great deal of traffic (up to 30,000 vehicles

a day), experiences heavy bus ridership along their routes and are constructed in dense networks that encourage bicycle and pedestrian travel. The RTP shall identify these multi-modal streets and develop a plan to further encourage alternative travel modes within these corridors.

Many new streets, however, are designed to accommodate heavy auto and freight traffic at the expense of other travel modes. Multiple, wide lanes, dedicated turning lanes, narrow sidewalks exposed to moving traffic, and widely spaced intersections and street crossings create an environment that is difficult and dangerous to negotiate without a car. The RTP shall identify these potential multi-modal corridors and establish design standards that encourage other modes of travel along these routes.

Some multi-modal arterials also carry significant volumes of freight. The RTP will ensure that freight mobility on these routes is adequately protected by considering freight needs when identifying multi-modal routes, and in establishing design standards intended to encourage alternative modes of passenger travel.

MULTI-PURPOSE PROJECT A structure(s) that contains more than one use, but that lacks either part or all of the integration, scale, and diversity of mixed-use developments.

MULTI-USE OR SHARED-USE PATH

Multi-use or Shared-use path means an off-street path that can be used by several transportation modes including bicycles, pedestrians, and other non-motorized modes. Multi-use paths accommodate two-way travel.

MULTIPLE USE DEVELOPMENTS A building or groups of buildings under one ownership designed to encourage a diversity of compatible land uses, which include a mixture of two or more of the following uses: residential, office, retail, recreational, light industrial, and other miscellaneous uses. (Beaverton Development Code)

NATURAL AREA

Any landscape unit substantially without any human development that is substantially in a native and unaffected state and may be composed of plant and animal communities, water bodies, soil and rock and mitigated

N

habitat. Natural areas must be identified in a city, county or special district open space inventory or plan. (Metro Code 3.01.010(h))

Natural areas may include, but are not limited to, wetlands, riparian areas, Significant Natural Resource Areas, and significant groves of trees. (Beaverton Development Code)

NATURAL AQUIFER RECHARGE — The replenishment of ground water in an aquifer.

NARROW STREET DESIGN — Streets with less than 46 feet of total right-of-way and no more than 28 feet of pavement width between curbs.

NEEDED HOUSING Housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing" also means:

(a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated dwelling subdivisions. (ORS 197.303(1))015 (OAR 660-007-00005(12))

NEIGHBORHOOD CENTER — Retail and service development that surrounds major MAX stations and other major intersections, extending out for one-quarter to one-half mile.

NEIGHBORHOOD CITIES — Cities such as Sandy, Canby and Newberg that are outside Metro's jurisdiction but will be affected by the growth policies adopted by the Metro Council or other jurisdictions, such as North Plains, Estacada or Seapooose, which may be affected by Metro actions.

NEIGHBORHOOD ROUTE A street that is usually long relative to local streets and provides connectivity to collectors or arterials. Neighborhood routes generally have more traffic than local streets and are used by residents in the area to get into and out of the neighborhood, but do not serve citywide or large area circulation.

NET DEVELOPABLE ACRE An area measuring 43,560 square feet which excludes:

1) — any developed road rights-of-way through or on the edge of the land; and

2) — environmentally constrained areas, including any open water areas, floodplains, natural resource areas protected under

	<p>statewide planning Goal 5 in the comprehensive plans of cities and counties in the region, slopes in excess of 25 percent and wetlands requiring a Federal fill and removal permit under Section 404 of the Federal Clean Water Act, as amended. These excluded areas do not include land for which the local zoning code provides a density bonus or other mechanism which allows the transfer of the allowable density or use to another area or to development elsewhere on the same site; and</p>
3)	<p>all publicly owned land designated for park and open space uses. <u>The net developable acreage for a site is defined as the proposal size expressed in acreage minus any unbuildable area. The following areas are deemed undevelopable for the purposes of calculating net developable acreage:</u></p> <ol style="list-style-type: none"> 1) <u>Street dedications and those areas used for private streets and common driveways; and</u> 2) <u>Environmentally constrained lands, such as open water areas, floodplains, water quality facilities, wetlands, natural resource areas and tree preservation areas set aside in separate tracts or dedicated to a public entity, and</u> 3) <u>Land set aside in separate tracts or dedicated to a public entity for schools, parks, or open space purposes. (Beaverton Development Code)</u>
NET BUILDABLE LAND	See Net Developable Acre.
NET DEVELOPED ACRE	<p>Consists of 43,560 square feet of land, after excluding present and future rights-of-way, school lands and other public uses. (Metro Code 3.07.1010(vv))</p> <p><u>Consists of 43,560 square feet of residentially designated buildable land, after excluding present and future rights-of-way, restricted hazard areas, public open spaces and restricted resource protection areas. (OAR 660-0007-0005(1))</u></p>
NEW LAND USE REGULATION	A land use regulation other than an amendment to an acknowledged land use regulation adopted by a local government that already has a comprehensive plan and land use regulations acknowledged under ORS 197.251. ORS 197.015
NEWSPAPER	A newspaper of general circulation, published in the English language for the dissemination of local or transmitted news or for the dissemination of legal news, made up of at least four pages of at least five columns each, with type matter of a depth of at least 14 inches, or, if smaller pages, then comprising and equivalent amount of type matter, which has bona fide subscribers representing more than half of the total distribution of copies circulated, or distribution verified by an independent circulation auditing firm, and which has been established and regularly and uninterruptedly published at least once a week during a period of at least 12 consecutive

months immediately preceding the first publication of a public notice. (ORS 193.020101(2))

NEXUS	A "connection" or "linkage." Generally referred to in regards to Assembly Bill 1600 that requires jurisdictions show a reasonable nexus between the fees charged new development and the cost of providing new services to the development.
NITROGEN OXIDE(S)	A reddish brown gas that is a byproduct of combustion and ozone formation processes. Often referred to as NOX, this gas gives smog its "dirty air" appearance.
NODE	A focal point within the context of a larger, contiguous area surrounding it. A node is an area of concentrated activity that attracts people from outside its boundaries for purposes of interaction within that area.
NOISE CONTOUR	A line connecting points of equal noise level as measured on the same scale. Noise levels greater than the 60 L _{dn} contour (measured in dBA) require noise attenuation in residential development.
NOTICE	Any notice that is required by law to be published. (ORS 193.310(2))

O

OBJECTIVE	A specific, measurable, intermediate end that is achievable and marks progress toward a goal. An objective should be achievable and, where possible, should be measurable and time specific.
OFFICE	A structure for conducting business, professional, or governmental activities in which the showing or delivery from the premises of retail or wholesale goods to a customer is not the typical or principal activity. Office uses include general business offices, medical and professional offices, administrative or headquarters offices for large wholesaling or manufacturing operations, and research and development.
OPEN SPACE	Publicly and privately-owned area of land, including parks, natural areas and areas of very low density development inside the UGB. <u>Open spaces may include active or passive recreation. (Metro Regional Framework Plan)</u>
	Any parcel or area of land or water that is unimproved and suitable for purposes of (1) preservation of natural resources,

~~(2) managed production of resources, (3) outdoor recreation, and/or (4) public health and safety.~~

OPERATING AGREEMENT — ~~An agreement for the operation or maintenance on behalf of the Department of Transportation of all or part of a public transportation system, but does not include agreements by which the department provides only financial or technical assistance or transportation facilities or equipment and which do not control routes, rates or levels of service, or agreements under which such control is exercised by the Federal Government through the Department. ORS 184.675~~

OUTER NEIGHBORHOOD — ~~Areas in the outlying cities that are primarily residential, farther from employment and shopping areas, and have larger lot sizes and lower population densities than inner neighborhoods.~~

~~Residential neighborhoods farther away from large employment centers with larger lot sizes and lower densities are outer neighborhoods. Average recommended density is 13 persons per acre.~~

OUTFALL — ~~The natural or manmade stormwater conveyance system that drains the land.~~

OVERLAY — ~~A land use designation on a land use map, or a zoning designation on a zoning map, which modifies the basic underlying designation in some specific manner.~~

OZONE — ~~A tri-atomic form of oxygen (O₃) created naturally in the upper atmosphere by a photochemical reaction with solar ultraviolet radiation. In the lower atmosphere, ozone is a recognized air pollutant that is not emitted directly into the environment, but is formed by complex chemical reactions between oxides of nitrogen and reactive organic compounds in the presence of sunlight, becoming a major agent in the formation of smog.~~

PARATRANSIT — ~~Transportation services that operate vehicles (e.g., buses, jitneys, taxis, and vans) in a curb-to-curb, demand/response mode.~~

PARCEL — ~~A lot, or contiguous group of lots, in single ownership or under single control, usually considered a unit for purposes of development.~~

PARK — ~~Open space land on which the primary purpose is recreation. A public area intended for open space and outdoor recreation use that is owned and managed by a city, county, regional government, or park district.~~

PARK-AND-RIDE LOT — ~~Parking lots or structures located along public transit routes designed to encourage transfer from private automobile to mass transit or to encourage car pooling for purposes of commuting that is owned or operated either by Tri-Met or by another entity with the concurrence of Tri-Met.~~

P

<u>PARK AND RIDE</u>	<u>A parking facility near a transit station or stop for the purpose of parking motor vehicles by transit riders. (Beaverton Development Code)</u>
	<u>A mode of travel usually associated with movements between work and home that involves use of a private auto on one portion of the trip and a transit vehicle (i.e., a bus or a light-rail vehicle) on another portion of the trip. A park-and-ride trip could consist of an auto trip from home to a parking lot, and transfer at that point to a bus in order to complete the work trip. (Metro Regional Transportation Plan Definition)</u>
PARKING RATIO	The number of parking spaces provided per employee or per 1,000 square feet of floor area (e.g., 2:1 or "two per thousand").
PARKING STRUCTURE	A parking garage located above or underground consisting of two (2) or more levels.
<u>PARKWAY</u>	<u>An expressway or arterial designed for noncommercial traffic only, usually located within a strip of landscaped park or natural vegetation.</u>
PEAK HOUR/PEAK PERIOD	For any given roadway, a daily <u>hour/ or longer period of time</u> period during which traffic volume is highest, usually occurring during morning and evening commute times. Where "F" Levels of Service exist, the "peak hour" may stretch into a "peak period" of several hours duration.
<u>PEAK SENSITIVE LANDS</u>	<u>Outfalls with inadequate flow.</u>
<u>PEDESTRIAN MALL</u>	<u>One or more city streets, or portions thereof, on which vehicular traffic is or is to be restricted in whole or in part and which is or is to be used exclusively or primarily for pedestrian travel. ORS 376.705</u>
<u>PEDESTRIAN ORIENTED DESIGN</u>	<u>Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic. (Adapted from the Model Development Code and User's Guide for Small Cities, Funded by the Transportation and Growth Management Program of the Oregon Department of Transportation and Oregon Department of Land Conservation and Development)</u>
<u>PEDESTRIAN ORIENTED DEVELOPMENT</u>	

Development which is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas.

PEDESTRIAN-ORIENTED FRONTAGE

Building Frontage devoted to uses which stimulate pedestrian activity. Uses are typically sidewalk-oriented and physically or visually accessible by pedestrians from the sidewalk. Uses which compose pedestrian-oriented frontage include, but are not limited to, specialty retail stores, groceries, drug stores, shoe repair shops, cleaning establishments, floral shops, beauty shops, barber shops, department stores, hardware stores, apparel shops, travel agencies and other services, restaurants, and theaters. Banks and financial institutions are not pedestrian-oriented uses.

PEDESTRIAN SCALE

An urban development pattern where walking is a safe, convenient and interesting travel mode. It is an area where walking is at least as attractive as any other mode to all destinations within the area. The following elements are not cited as requirements, but illustrate examples of pedestrian scale: continuous, smooth and wide walking surfaces; easily visible from streets and buildings and safe for walking; minimal points where high-speed automobile traffic and pedestrians mix; frequent crossing; storefronts, trees, bollards, on-street parking, awnings, outdoor seating, signs, doorways and lighting designed to serve those on foot; well integrated into the transit system and having uses that cater to people on foot. Site and building design elements that are dimensionally smaller than those intended to accommodate automobile traffic flow and buffering. Examples include ornamental lighting no higher than twelve feet; bricks, pavers or other paving modules with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the perception of the height of walls; and signage and signpost details designed for viewing from a short distance.

PEDESTRIAN SENSITIVE DEVELOPMENT

Development which is designed with an emphasis on pedestrian access to the site and building, rather than on auto access and parking areas.

PEDESTRIAN SPACE

An area or plaza on public or private property which is directly accessible to the public. Features which compose pedestrian spaces include, but are not limited to: seating areas, awnings or other overhead weather protection designs, pedestrian-scale outdoor lighting, landscaped areas (an outdoor area providing visually or physically accessible space for tenants of the development of which it is part), water features (a fountain, cascade, stream, water sculpture, or reflection pond), public art, kiosks, and outdoor eating areas and/or food vendors.

PEDESTRIAN WAY	Any paved public or private route intended for pedestrian use, including a multi-use path and esplanade, regardless of use by other transportation modes. A general term used to describe any sidewalk or walkway that is intended and suitable for pedestrian use. (Beaverton Development Code) "Paved" can include any Americans with Disability Act approved surface including pavements and surfaces that are pervious.
PERENNIAL STREAMS	All primary and secondary perennial water ways as mapped by the U.S. Geological Survey.
PERFORMANCE MEASURE	A measurement derived from technical analysis aimed at determining whether a planning policy is achieving the expected outcome or intent associated with the policy.
	PERSON <u>A natural or artificial person, including but not limited to, a human, corporation, partnership, unit of government, an agency, a trust or descendant's estate, or other legal entity whatsoever. The United States or any state or any department or agency of any of the above, or any nonprofit corporation or entity or any other individual, corporation or entity, either public or private. ORS 184.674</u>
	<u>Any individual, partnership, corporation, association, governmental subdivision or agency or public or private organization of any kind. ORS 197.015</u>
	<u>The state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity. ORS 268.020</u>
PERSONS-TO-DWELLING UNIT CONVERSION FACTOR	
	<u>The impacts of certain groups of people (e.g., the elderly) on land and supporting infrastructure vary widely from the average. A person-to-dwelling unit conversion factor is a method that assigns weights to these groups of people so that their impacts can be objectively assessed in comparison to groups of people whose impacts approximate the average.</u>
PEOPLE OR PERSONS PER ACRE	This is a term expressing the intensity of building development by combining residents per net acre and employees per net acre. (Metro Code 3.07.1010(z)) (Metro Regional Framework Plan definition)
PERSON TRIPS	The total number of discrete trips by individuals using any mode of travel.
PLANNING COMMISSION	The Planning Commission of the City or any subcommittee thereof. (Beaverton Development Code)
PLANNED	A future project, event, or land area use that has been anticipated and prepared for, usually with a site plan, a land use plan and/or the Capital Improvement Program and Budget.

PLANNING ACTIVITIES	Planning Activities cited in the RUGGOs are not regulatory by contain implementation ideas for future study in various stages of development that may or may not lead to RUGGO amendments, new functional plans, functional plan amendments, or regional framework plan elements. Planning activities for any given year will be subject to Metro Executive Officer budget recommendations and Metro Council budget adoption.
PLAZA	A continuous open space which is readily accessible to the public at all times, predominately open above and designed specifically for use by people as opposed to serving as a setting for a building.
POLICY	The way in which programs and activities are conducted to achieve an identified goal. A general direction that a governmental agency sets to follow, in order to meets its goals through implementation measures or action programs. (See <i>Program</i>)
POUNDS PER SQUARE INCH (PSI)	A unit of pressure, usually employed in measurements of water system capacity.
PRACTICABLE	Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purpose. <u>Capable of being accomplished after taking into consideration barriers both existing and reasonably foreseeable.</u>
PRESERVE, V.	To keep safe from destruction or decay; to maintain or keep intact. (See <i>Maintain</i>)
PRIMARY TRANSIT SUPPORTIVE SYSTEM	Those facilities upon which or adjacent to which the mass transit and transportation district physically operates. ORS 267.300
PRIMARILY DEVELOPED	Areas where less than 10% of parcels are either vacant or underdeveloped.
PRIVATE ROAD CROSSING	A privately owned road designed for use by trucks which are prohibited by law from using state highways, county roads or other public highways. ORS 374.305
PRINCIPLE	An assumption, fundamental rule, or doctrine that will guide comprehensive plan policies, proposals, standards and implementation measures.
PROGRAMMED	A facility that has been officially scheduled for construction in <u>the a Capital Improvements Program, and/or Budget, or other local, state, or federal funding document.</u>
PROTECT, V.	To maintain and preserve beneficial uses in their present condition as nearly as possible. (See <i>Enhance</i>)

PUBLIC BUILDINGS AND GROUNDS —

Structures or lands that are owned, leased, or operated by a government entity, such as civic and community centers, hospitals, libraries, police stations, fire stations, and government administration buildings.

PUBLIC NOTICE AUTHORITY — Any legal publication which requires an affidavit of publication as required in ORS 193.070, or is required by law to be published. ORS 193.010

PUBLIC FACILITIES — A public facility includes water, sewer and transportation facilities.

PUBLIC RIGHT-OF-WAY — Land that by deed, conveyance, agreement, easement, dedication, usage or process of law is conveyed, reserved for or dedicated to the use of the general public for street, road or highway purposes, including curbs, gutters, parking strips, pedestrian ways, and sidewalks and bicycle trails. (BC 5.05.015)

PUBLIC AND QUASI-PUBLIC FACILITIES —

(1) Institutional, academic, governmental and community service uses, either publicly owned or operated by nonprofit organizations; or (2) Facilities including transportation, sewer, solid waste, drainage, potable water, and parks and recreation systems or facilities.

PUBLIC ROAD — The entire right of way of any road over which the public has the right of use or any right of way held by the state or a political subdivision of the state for road purposes that is not open for public use. ORS 376.150

A road over which the public has a right of use that is a matter of public record. ORS 368.001 Every public way, road, highway thoroughfare and place including bridges, viaducts and other structures, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right. (BC 6.02.030)

PUBLIC TRANSPORTATION ENTITY —

Includes a city, county, transportation district, mass transit district, metropolitan service district or private nonprofit corporation operating a public transportation system. ORS 184.674

PUBLIC TRANSPORTATION SYSTEM —

Any form of passenger transportation system, whether or not for hire, including but not limited to air, rail, other fixed guideway, bus, jitney, taxi and dial-a-ride passenger transportation systems within, between and outside of urban and urbanized areas, and including related passenger terminal facilities and motor vehicle parking facilities. ORS 184.674

RARE OR ENDANGERED SPECIES	A species of animal or plant listed in Title 50, Code of Federal Regulations, Section 17.11 or 17.2, pursuant to the Federal Endangered Species Act designating species as rare, threatened, or endangered.
RECREATION	The pursuit of leisure time activities occurring in an indoor or outdoor setting.
RECREATION, ACTIVE	A type of recreation or activity that requires the use of organized play areas including, but not limited to, softball, baseball, football and soccer fields, tennis and basketball courts and various forms of children's play equipment.
RECREATION, PASSIVE	A type of recreation or activity that does not require the use of organized play areas, and which may function as a view shed (<u>an elevation in the earth's surface from which a view may be seen.</u>), etc. (See <i>Open Space</i>)
RECYCLE	The process of extraction and reuse of materials from waste products.
REDEVELOPABLE LAND	Land on which development has already occurred which, due to present or expected <u>future</u> market forces, there exists the strong likelihood that existing development will be converted to more intensive uses during the planning period. (Metro Code 3.07.1010(ddd))
REDEVELOPMENT	<u>Development of land that replaces previous development, usually to achieve a higher return on the owner's investment. Redevelopment may occur due to market forces if the value of land equals or exceeds the value of improvements on that land. A local government may assist in redevelopment by means such as paying for certain on or off-site facilities (e.g. streets or parking structures), assembling small parcels to create a larger site, reducing or deferring up-front development fees, or reducing property taxes over a certain time period. For purposes of the City's commercial and industrial, and residential, buildable lands inventories (Volume II of the Comprehensive Plan) any parcel with a land value to improvement value ratio of 1.25: 1 or greater is assumed to have development or redevelopment potential.</u> A process used in developed areas to rehabilitate and infill underused areas more efficiently and/or replace blighted areas by changing the types of uses, intensities or densities of the land uses, usually to achieve an economically higher and better use of the land.
REGIONAL	Pertaining to activities or economies at a scale greater than that of a single city, county, or combination thereof, and affecting a broad, related area. (Metro Regional Framework Plan definition)

R

REGIONAL CENTER

Areas of mixed residential and commercial use that serve hundreds of thousands of people and are easily accessible by different types of transit. Examples include traditional centers such as downtown Gresham and new centers such as Clackamas Town Center. (Metro Regional Framework Plan)

~~Nine~~ Seven regional centers ~~will become~~ in the Metro region are the focus of compact development, redevelopment and high-quality transit service and multi-modal street networks. (Metro Code 3.07.130, updated) An average of 60 persons per acre is recommended. (Metro Code 3.07.170)

REGIONAL FRAMEWORK PLAN Required of Metro under the Metro Charter, the Regional Framework Plan must address nine specific growth management and land use planning issues (including transportation), with the consultation and advice of the Metropolitan Policy Advisory Committee.

REGIONAL TRANSPORTATION PLAN The official intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for the metropolitan planning area. (Metro Framework Plan definition)

REGIONAL URBAN GROWTH GOALS AND OBJECTIVES The land use goals and objectives that Metro is required to adopt under ORS 268.380(1). (Metro Code 3.07.1010(eee))

An urban growth policy framework that represents the starting point for the agency's long-range planning program. (Metro Regional Framework Plan definition)

REGIONAL THROUGH ROUTES These are routes that move people and goods through and around the region, connect regional centers to each other and to the Central City, and connect the region to the statewide and interstate transportation system. They include freeways, limited access highways and heavily traveled arterials, and usually function as through routes. As such, they are important not only because of the movement of people, but as one of the region's major freight systems. Since much of our regional economy depends on the movement of goods and services, it is essential to keep congestion on these roads at manageable levels. These major routes frequently serve as transit corridors but are seldom conducive to bicycles or pedestrians because of the volume of auto and freight traffic that they carry.

With their heavy traffic and high visibility, these routes are attractive to business. However, when they serve as a location for auto-oriented businesses, the primary function of these routes, to move regional and statewide traffic, can be eroded. While they serve as an appropriate location for auto-oriented businesses, they are poor locations for businesses that are designed to serve neighborhoods or sub-regions. These are better located on multi-modal arterials. They need the highest levels of access control. In addition, it is important that they

~~not become barriers to movements across them by other forms of travel, auto, pedestrian, transit or bicycle. They shall focus on providing access to centers and neighbor cities, rather than access to the lands that front them.~~

REGULATION

A rule or order prescribed for management of government.

RESIDENTIAL USE

Activities within land areas used predominantly for housing.

RESIDENTIAL, MULTIPLE FAMILY

~~Usually three or more dwelling units on a single site, that may be in the same or separate buildings. See Multi Family Dwelling Unit~~

RESIDENTIAL, SINGLE FAMILY A single dwelling unit on a building site.

RETAIL

Activities which include the sale, lease or rent of new or used products to the general public or the provisions of product repair or services for consumer and business goods. ~~Hotels or motels, restaurants or firms involved in the provisions of personal services or office space are not considered retail uses.~~

RIDGELINE

~~A line connecting the highest points along a ridge and separating drainage basins or small-scale drainage systems from one another.~~

RIGHT-OF-WAY

Land in which the state, a county, or a municipality owns the fee simple title or ~~has~~ holds an easement or dedication dedicated or required for a transportation or utility use. A strip of land over which transportation and public use facilities are built, such as roadways, railroads, and utility lines.

RIPARIAN

A zone of transition from an aquatic ecosystem to a terrestrial ecosystem as defined in ORS 541.351(10). (OAR 141-085-0010(188))

RIPARIAN AREA

A zone of transition from an aquatic ecosystem to a terrestrial ecosystem, dependent upon surface or subsurface water, that reveals through the zone's existing or potential soil-vegetation complex the influence of such surface or subsurface water. A riparian area may be located adjacent to a lake, reservoir, estuary, pothole, spring, bog, wet meadow, muskeg or ephemeral, intermittent or perennial stream. (ORS 541.351(10)) (OAR 690-300-0010(44))

RIPARIAN CORRIDOR

The water influences area adjacent to a river, lake or stream consisting of the area of transition from an ~~hydric~~ aquatic ecosystem to a terrestrial ecosystem where the presence of water directly influences the soil-vegetation complex and the soil-vegetation complex directly influences the water body. It can be identified primarily by a combination of geomorphologic and ecologic characteristics. (Metro Code 3.07.1010(iii))

	<u>A Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary (OAR 660-023-090(1)(c))</u>
RIPARIAN LANDS	Lands comprised of vegetative and wildlife areas adjacent to perennial and intermittent streams. Riparian areas are delineated by the existence of plant species normally found near fresh water.
RISK	The danger or degree of hazard or potential loss.
ROAD	<p>The entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:</p> <ul style="list-style-type: none"> (a) Ways described as streets, highways, throughways or alleys; (b) Road-related structures that are in the right-of-way such as tunnels, culverts or similar structures; and (c) Structures that provide for continuity of the right of way such as bridges. (ORS 368.001(6)) <p>Includes necessary bridges and culverts, and city streets, subject to such restriction and limitations as are provided. ORS 366.010</p>
RUNOFF	That portion of rain or snow precipitation that does not percolate into the ground and is instead discharged into streams.
SANITARY SEWER FACILITIES (SEWERAGE)	The structure or systems designed for the collection, transmission, treatment, or disposal of sewage, and this includes trunk mains, interceptors, treatment plants and disposal systems.
SCALE	Generally refers to relative size or extent.
SCENIC VIEWS AND SITES	<u>Lands that are valued for their aesthetic appearance. (OAR 660-023-230(1))</u>
SECOND UNIT	A self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single lot. Sometimes called a "Granny Flat."

SECONDARY TRANSIT SUPPORTIVE SYSTEM	The remainder of those facilities, beyond primary facilities, that constitute the surface transportation system, but over which the mass transit and transportation district's operation or facilities are not physically present. ORS 267.300
SEISMIC	Caused by or subject to earthquakes or earth vibrations.
SENIOR HOUSING	See <i>Elderly Housing</i>.
SENIORS	Persons age 62 or older.
SETBACK	The distance between the property line and any structure. <u>The minimum allowable horizontal distance from a given point or line of reference to the nearest vertical wall or other element of a principal building or structure as defined herein. The point of line of reference will be the lot line following any required dedication, or a special or reservation line if one is required pursuant to this ordinance. (Beaverton Development Code)</u>
SHALL, MUST OR MAY	<u>"Shall and must" are mandatory and "may" is permissive. (BC)</u>
SHALL (WILL), V.	A directive verb signifying the action is obligatory or necessary.
SHARED RIDE	Private passenger vehicles carrying more than one occupant.
SHARED ROADWAY	A shared roadway is a street that is recommended for bicycle use but does not have a specific area designated within the right-of-way. <u>(Beaverton Development Code)</u>
SHOPPING CENTER	A group of commercial establishments, planned, developed, owned or managed as a unit, with off street parking provided on site.
SHARED-USE OR MULTI-USE PATH	<u>Shared-use or Multi-use path means an off-street path that can be used by several transportation modes including bicycles, pedestrians, and other non-motorized modes. Shared-use paths accommodate two-way travel. (Beaverton Development Code)</u>
SHOULD, V.	A directive verb signifying the action is to be carried out unless circumstances make it <u>impracticable</u> impossible.
SIGNIFICANT NATURAL RESOURCES	<u>Areas identified on the City's Statewide Planning Goal 5 Inventories, Volume III of the Comprehensive Plan. (Beaverton Development Code)</u>
SSINGLE FAMILY ATTACHED DWELLINGS	A structure containing two or more single family dwelling units with both side walls (except end units of building) attached from ground to roof. This type of dwelling is sometimes referred to as a <i>duplex</i> when no more than two units are joined (See <i>Townhouses</i>).

SINGLE FAMILY DETACHED DWELLING

~~A single family dwelling with open space on all sides.~~

~~A dwelling unit that is free standing and separate from other dwelling units. (OAR 660-007-0005(4))~~

SINGLE FAMILY DWELLING

A structure containing one or more single family units with each unit occupying the building from ground to roof.

~~**SINGLE FAMILY SEMI-DETACHED DWELLING**~~

~~A structure containing two single family dwellings attached by a common side or rear wall.~~

SINGLE OCCUPANT VEHICLE (SOV)

~~Private passenger vehicles carrying one occupant. (Metro Code 3.07.1010(ooo)) (Metro Regional Framework Plan definition)~~

SITE

Any tract, lot or parcel of land or combination of tracts, lots or parcels of land that are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

SITE AREA

~~The total square footage or acreage of a lot or contiguous lots proposed for a development, excluding existing or required rights of way.~~

SLOPE

Land gradient described as the vertical rise divided by the horizontal run, and expressed in percent.

SOIL

The unconsolidated material on the immediate surface of the earth created by natural forces that serves as natural medium for growing land plants.

SOLID WASTE

~~A general category that includes organic wastes, paper products, metals, glass, plastics, cloth, brick, rock, soil, leather, rubber, yard wastes and wood. Organic wastes and paper products comprise about 75 percent of the typical urban solid waste stream. "Solid Waste" shall have the same meaning as given that term under Beaverton Code section 4.08.030.~~

SPECIAL DISTRICT

Any unit of local government, other than a city, county, metropolitan service district formed under ORS Chapter 268 or an association of local governments performing land use planning functions under ORS 195.025 authorized and regulated by statute and includes but is not limited to: Water control districts, domestic water associations and water cooperatives, irrigation districts, port districts, regional air quality control authorities, fire districts, school districts, hospital districts, mass transit districts and sanitary districts. (ORS 197.015(19))

Any "district" formed under ORS 198.

SPECIFIC PLAN A legal tool for detailed design and implementation of a defined portion of the area covered by a general plan. A specific plan may include detailed regulations, conditions, programs and/or proposed legislation that may be necessary or convenient for the systematic implementation of a general plan element(s).

STANDARDS (1) A rule or measure establishing a level of quality or quantity that must be complied with or satisfied.

STANDARD METROPOLITAN STATISTICAL AREA

An area designated and published by the United States Bureau of the Budget as a standard metropolitan statistical area. ORS 227.010

STATE IMPLEMENTATION PLAN

A plan for ensuring that all parts of Oregon remain in compliance with federal air quality standards.

STATEWIDE PLANNING GOALS The mandatory state-wide planning standards adopted by the Land Conservation and Development Commission pursuant to ORS Chapters 195, 196 and 197. (ORS 197.015(8))

STATION COMMUNITIES That area generally within a ¼ - to ½ - mile radius of light-rail stations or other high-capacity transit that is planned as a multi-modal community of mixed uses and substantial pedestrian accessibility improvements. (Metro Regional Framework Plan)

~~Nodes of development centered around a light rail or high-capacity transit station that feature a high-quality pedestrian environment. They provide for the highest density outside centers. The Station communities would encompass an area approximately one-half mile from a station stop. The densities of new development would average about 45 persons per acre.~~

Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment. (Metro Code 3.01.130)
An average of 45 persons per acre is recommended. (Metro Code 3.01.170)

STORM WATER The water that runs off only from impervious surfaces during rain events. (CWS Design and Construction Standards)

STRAIGHT-LINE DISTANCE The shortest distance between two points.

STREAM Means a body of running water moving over the earth's surface in a channel or bed, such as a creek, rivulet or river. It flows at least part of the year, including perennial and intermittent streams. Streams are dynamic in nature and their structure is maintained through build-up and loss of sediment. (Metro Code 3.01.1010(qqq)).

STREAM CHANNEL

The area continuously covered with flowing. The width of the stream channel is the distance between the tops of the stream bank. The location of each stream bank top is determined by defining the exact location that is the division point between the relatively steep gradient of a channel side and the relatively flat gradient of the land surface adjacent to that channel side.

A natural (perennial or intermittent stream) or human made (e.g. drainage ditch) waterway of perceptible extent that periodically or continuously contains moving water and has a definite bed and banks that serve to confine the water. (OAR 141-085-0010(22))

STREET

(1) means a public way, road, highway, thoroughfare or place, including bridges, viaducts and other structures used or intended for use of the general public for pedestrian, bicycle, and vehicular travel as a matter of right, or

(2) when used with the word "private" as a modifier, means a non-public way, road, highway, thoroughfare or place, including bridges, viaducts and other structures, exclusively used or intended for the exclusive use of the underlying property owner or, other persons, for pedestrian, bicycle, and vehicular travel. (Proposed Engineering Design Manual and Standard Drawings Definition)

STREET FUNCTIONAL CLASSIFICATION

The assignment of streets into categories according to the character of service they provide in relation to the total street network. Basic functional categories in Beaverton include freeways, arterials, collectors, neighborhood routes, and local streets. Functional classification reflects mobility, access needs, and connectivity. Where appropriate, the levels may be further grouped into urban and rural categories.

STREET FURNITURE

Those features associated with a street that are intended to enhance its physical character and use by pedestrians, such as benches, trash receptacles, kiosks, lights, newspaper racks.

STEWARDSHIP

A planning and management approach that considers environmental impacts and public benefits of actions as well as public and private dollar costs.

SUBDIVISION

The division of a tract of land into defined lots, parcels, tracts, or other divisions of land as defined in applicable State statutes and local land development regulations, subdivided lots which can be separately conveyed by sale or lease, and which can be altered, or developed.

SUBREGION

An area of analysis used by Metro centered on each regional center and used for analyzing jobs/housing balance.

SUBURBAN

Generally, development on the periphery of urban areas, which is predominantly residential in nature and has most urban services available. The intensity of suburban development is usually lower than in urban areas.

SURFACE WATER

~~Water that comes from lakes, reservoirs, and rivers, as opposed wells that draw water out of the ground.~~

Water that drains from the landscape via overland flow or ground water resurgence. Surface water flows can and often do include storm water runoff. (CWS Design and Construction Standards)

SYSTEM DEVELOPMENT CHARGE Means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the local government for its average cost of inspecting and installing connections with water and sewer facilities. (ORS 223.299(4)(a))

TARGET CAPACITIES ~~The capacities in Table I (Metro Urban Growth Management Functional Plan) required to be demonstrated by cities and counties for compliance with Title I, Section 2.~~

TARGET DENSITIES The average combined household and employment densities established for each design type in the Regional Urban Growth Goals and Objectives 2040 Growth Concept. (Metro Code 3.07.1010(ttt))

THROUGHWAY ~~A highway or street especially designed for through traffic, over from or to which owners or occupants of abutting land or other persons have no easement of access or only a limited easement of access, light, air or view, by reason of the fact that their property abuts upon the throughway or for any other reason. ORS 374.010~~

TOP OF BANK ~~Means the same as "bankfull stage" defined in OAR 141 85-010(2).~~

TOWN CENTERS Areas of mixed residential and commercial use that serve tens of thousands of people. Examples include the downtowns of Forest Grove and Lake Oswego. (Metro Regional Framework Plan)

Town centers provide local shopping, employment and cultural and recreational opportunities within a local market area. They are designed to provide local retail and services, at a minimum. They would also vary greatly in character.

~~Local retail and services will be provided in town centers with compact Compact development and transit service. (Metro~~

	Code 3.01.130) should be provided in town centers. An average of 40 persons per acre is recommended. (Metro Code 3.07.170)
TOWNHOUSES	Two or more attached single family dwelling units within a structure having common side walls, front and rear yards, and individual entryways. (See Single Family Attached Dwellings)
TRAFFIC CALMING	Street design or operational features intended to maintain a given motor vehicle travel speed.
	A traffic management program usually designed to address safety and aesthetic issues related to automobile use in residential areas, and which reduces the operating speed of motor vehicles. Features include through, landscaping, walkways, speed swales, roadway narrowing and/or increasing the width of bicycle lanes and sidewalks.
TRAFFIC INTENSIVE USES	A land use that attracts or generates a relatively high level of traffic activity. A non exhaustive list of such uses would include drive through facilities, supermarkets, and most retail shopping centers. The ITE Trip Generation manual shall be the city's primary reference source for determining whether a particular proposed use is traffic intensive or not.
TRANSIT	The conveyance of persons or goods from one place to another by means of a local, public transportation system.
TRANSIT-ORIENTED DEVELOPMENT	Development which has a mix of residential, retail and office uses and a supporting network of roads, bicycle and pedestrian ways focused on a major transit stop designed to support a high level of transit use. The key features of transit-oriented development shall include: (a) a mixed use center at the transit stop, oriented principally to transit riders and pedestrian and bicycle travel from the surrounding area; (b) high density of residential development proximate to the transit stop sufficient to support transit operation and neighborhood commercial uses within the TOD; (c) a network of roads, and bicycle and pedestrian paths to support high levels of pedestrian access within the TOD and high levels of transit use.
TRANSIT, PUBLIC	A system of regularly scheduled buses and/or trains available to the public on a fee per ride basis. Also called "Mass Transit." For the purposes of the Comprehensive Plan, this term refers to publicly funded and managed transportation services and programs within the urban area, including light-rail, regional rapid bus, frequent bus, primary bus, secondary bus, minibus, paratransit and park-and-ride. (Metro Regional Transportation Plan definition)
TRANSIT STOP	Improvements and facilities at selected points along transit routes for passenger pickup, drop off, and waiting. Facilities and improvements may include shelters, benches, sign structures,

and other improvements to provide security, protection from the weather and access to nearby services.

TRANSIT STREET — Any street that is an existing public transit route, or any street that is likely to be a public transit route.

TRANSIT SUPPORTIVE SYSTEM — Those facilities in any county in which a district operates that constitute the surface transportation system in the county, including highways, roads, streets, roadside rest areas, park-and-ride stations, transfer stations, parking lots, malls and skyways. ORS 267.300

TRANSIT SUPPORTIVE USES — Uses which reinforce the transit system and support ridership growth and, by their nature and location, promote pedestrian traffic to and from the use and transit facilities.

TRANSPORTATION OR TRAVEL DEMAND MANAGEMENT (TDM)

A strategy or action for reducing demand on the road system by reducing the number of vehicles using streets and roads, and/or increasing the number of persons per vehicle. Typically, TDM attempts to reduce the number of persons who drive alone during peak commute periods and to increase the number of people commuting via carpools, vanpools, buses and trains, walking, and biking.

TRANSPORTATION PLANNING RULE — The implementing rule of statewide land use planning Goal #12 dealing with transportation, as adopted by the State Land Conservation and Development Commission. (Metro Framework Plan definition)

TRANSPORTATION SYSTEM PLAN — A plan for one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas. (Metro Regional Framework Plan definition) (OAR 660-012-0005(32))

TREES, LANDMARK — Trees whose size, visual impact, or association with a historically significant structure or event have led the city to designate them as landmarks.

TREES, STREET — Trees strategically planted, usually in parkway stripes, medians, or along streets, to enhance the visual quality of a street.

Any tree located within public or private right of way or an easement for vehicular access, or associated public utility easements. (Beaverton Development Code)

TRIP GENERATION — The dynamics that account for people making trips in automobiles or by means of public transportation. Trip generation is the basis for estimating the level of use for a transportation system and the impact of additional development or transportation facilities on an existing, local

transportation system. Trip generations of households are correlated with destinations that attract household members for specific purposes.

TRUCK ROUTE	A path of circulation required for all vehicles exceeding set weight or axle limits. A truck route usually follows arterials through commercial or industrial areas, avoiding residential areas.
TRUCK STOP	Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, which includes as a primary function the dispensing of motor fuel or other petroleum products directly into motor vehicles and which may include the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities for the use of truck crews.
TURBIDITY	A measure of water agitation. The higher the turbidity of water, the more difficult it is to process for potable water purposes.
UNDERDEVELOPED PARCELS	Those parcels of land with less than 10% of the net acreage developed with permanent structures.
URBAN	Generally, an area having the characteristics of a city, with intensive development and a full or extensive range of public facilities and services.
URBAN FORM	The net result of efforts to <u>preserve</u> environmental quality, <u>coordinate</u> the development of jobs, housing and public services and facilities, and <u>interrelate</u> the benefits and consequences of growth in one part of the region with the benefits and consequences of growth in another. Urban form, therefore, describes an overall framework within which regional urban growth management can occur. Clearly stating objectives for urban form and pursuing them comprehensively provides the focal strategy for rising to the challenges posed by the growth trends present in the region today.
URBAN GROWTH BOUNDARY	An acknowledged urban growth boundary contained in a city or county comprehensive plan or an acknowledged urban growth boundary that has been adopted by a metropolitan service district council under ORS 268.390 (3). (ORS 195.060(2))
URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN	See Metro Urban Growth Management Functional Plan.
URBAN PLANNING AREA	A geographical area within an urban growth boundary. (OAR 660-003-0005(6))
URBAN SERVICES	The term includes the following services and facilities: a public sanitary and storm sewer system, a public water supply, a

U

street system, police and fire protection, public schools, public parks and library services. (Beaverton Development Code)

URBAN SERVICE AREA — The area for which the City is the appropriate and agreed-upon long-term provider of municipal services except for those services that are to be provided by a special or county service district. (Beaverton – Washington County Intergovernmental Agreement Interim Urban Services Plan)

URBAN SERVICE BOUNDARY — The boundary establishing the extent of the City's direct interest and involvement in planning for and coordination of public facilities and services and the extent of the City's annexation interest.

URBAN RESERVE AREA — An area adjacent to the present UGB defined to be a priority location for any future UGB amendments when needed. Urban reserves are intended to provide cities, counties, other service providers, and both urban and rural landowners with a greater degree of certainty regarding future regional urban form. Whereas the UGB describes an area needed to accommodate the urban growth forecasted over a 20-year period, the urban reserves plus the area inside the UGB estimate the area capable of accommodating the growth expected for 50 years.

URBAN SPRAWL — Uncontrolled and untimely expansion and/or dispersal of an urban community into outlying rural areas. Urban sprawl is also sometimes referred to as suburbanization.

UNDEVELOPABLE — Specific areas where topographic, geologic, and/or surficial soil conditions indicate a significant danger to future occupants, and a potential liability to the city, which justify their designation as undevelopable.

UNIFORM BUILDING CODE (UBC)

— A national, standard building code that sets forth minimum standards for construction.

USE — The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered, and/or enlarged as per the city's land development regulations and general plan.

— The main or primary purpose of which land or a structure is designed, arranged or intended or for which it is occupied or maintained. (Beaverton Development Code)

USE PERMIT — The discretionary and conditional review of an activity or function or operation on a site or in a building or facility.

UTILITY RIGHTS-OF-WAY — Land dedicated to a public authority for community services, including but not limited to, electricity, telephone, water supply, gas, and wastewater disposal.

VACANT	Lands or buildings that are not actively used for any purpose.
VACANT LAND	Land identified in the Metro or local government inventory as undeveloped land. (<u>Metro Code 3.07.1010(zzz)</u>)
VARIANCE	A discretionary decision to permit modification of the terms of an implementing ordinance based on a demonstration of unusual hardship or exceptional circumstance unique to a specific property. (<u>Metro Code 3.07.1010(aaaa)</u>)
VEGETATIVE CORRIDOR	A corridor adjacent to a water quality sensitive area that is preserved and maintained to protect the water quality functions of the water quality sensitive area. (<u>CWS Design and Construction Standards</u>)
VEHICLE-RELATED SERVICES	A building or use primarily engaged in the service or repair of automobiles, trucks, and motorcycles, including gas service stations, tire sales and installation, drive-up oil service, automobile or similar light vehicle washing, body and fender shops, wheel and brake shops, vehicle dismantling and salvage, vehicle storage, and commercial parking facilities.
VEHICLE SALES AND RENTALS	A building or use for the sale or rental of automobiles, motorcycles, trucks, and similar equipment, including storage and incidental maintenance.
VERY LOW INCOME HOUSEHOLD (FAMILY)	A household with an annual income usually no greater than fifty percent of the area median family income adjusted by household size, as determined by a survey of incomes conducted by a city or a county, or in the absence of such a survey, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD) for the Section 8 housing program.
VIABLE	Capable of surviving and/or growing; workable.
VIEW CORRIDOR	The line of sight, identified as to height, width and distance, of an observer looking toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.); the route that directs the viewers' attention.
VOLUME-TO-CAPACITY RATIO	A measure of the operating capacity of a roadway or intersection, in terms of the number of vehicles passing through, divided by the number of vehicles that theoretically could pass through when the roadway or intersection is operating at its designed capacity. Abbreviated as "v/c". At a v/c ratio of 1.0, the roadway or intersection is operating at capacity. If the ratio is less than 1.0, the traffic facility has additional capacity. Although ratios slightly greater than 1.0 are possible, it is more likely that the peak hour will elongate into a "peak period." (See <i>Peak Hour</i> and <i>Level of Service</i>)

VOLUME SENSITIVE LANDS — ~~Lands that drain into areas without a positive outfall. Positive outfall is the condition when the natural or manmade stormwater conveyance system that drains the land is functioning adequately. This includes manmade swales, waterways or other means of conveyance systems, but does not include sheet flow.~~

WATER QUALITY AND FLOOD MANAGEMENT AREA —

~~An area defined on the Metro Water Quality and Flood Management Area Map, to be attached to the Metro Urban Growth Management Functional Plan. These are areas that require regulation in order to mitigate flood hazards and to preserve and enhance water quality. This area has been mapped to generally include the following: stream or river channels, known and mapped wetlands, areas with floodprone soils adjacent to the stream, floodplains, and sensitive water areas. The sensitive areas are generally defined as 50 feet from top of bank of streams for areas of less than 25% slope, and 200 feet from top of bank on either side of the streams of areas greater than 25% slope, and 50 feet from the edge of a mapped wetland.~~

W

WAREHOUSING USE — ~~A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.~~

WAREHOUSE A structure that is primarily used for storage and distribution facilities.

WATER BODIES — ~~For the purpose of determining density credits on sites, these are defined to include river, stream, lake, or pond beds and any other permanently or historically water covered land that occurs naturally at the site up to the mean high water level.~~

WATER QUALITY SENSITIVE AREA

or "sensitive area" A) shall include the following:

1. Existing or created wetlands;
2. Rivers, streams, and springs, whether flow is perennial with year-round or intermittent flow;
3. Natural lakes, ponds and instream impoundments (including natural lakes and ponds) with average water in the summer of one acre-foot or more, or with an average depth of three feet or more;

B) Sensitive areas shall not include:

1. Stormwater infrastructure
1. ~~treatment ponds or swales;~~
2. ~~Stormwater treatment wetlands;~~
3. ~~Detention ponds;~~
2. A vegetated corridor (a buffer) adjacent to the sensitive area;
3. An off-stream recreational lake, lagoon, fire pond or reservoir; and/or

4. Drainage ditches constructed in uplands solely for the purpose of draining roads, lots, and outfalls of storm drains. (CWS Design and Construction Standards)

WATERSHED

The total area above a given point on a watercourse that contributes water to its flow; the entire region drained by a waterway or watercourse that drains into a lake, or reservoir.

The entire land area drained by a stream or system of connected streams such that all stream flow originating in the area is discharged through a single outlet. (ORS 541.351(14))

WAY OF NECESSITY

(a) A road established under ORS 376.150 to 376.200 to provide motor vehicle access from a public road to land that would otherwise have no motor vehicle access; or

(b) A route established under ORS 376.150 to 376.200 to provide utility service access from an existing service location to a service point that would otherwise have no utility service access. ORS 376.150

WETLANDS

Transitional areas between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water. Wetlands are statutorily defined in Presidential Executive Order 11990 as; those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does, or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats and natural ponds.

Those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. ORS 197.015 Those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Categories of wetlands include:

a) Created Wetlands: those wetlands developed in an area previously identified as non-wetland to replace, or mitigate wetland destruction or displacement. A created wetland shall be regulated and managed the same as an existing wetland.

b) Constructed Wetlands: those wetlands developed as a storm water facility, subject to change and maintenance as such. These areas must be clearly defined or separated from existing or created wetlands. Constructed wetlands shall be regulated as created wetlands only if they serve as wetland mitigation.

c) Existing Jurisdictional Wetlands: jurisdictional wetlands as determined by the Department of State Lands (DSL) or the US Army Corps of Engineers (COE). (CWS Design and Construction Standards)

Z

WILDLIFE REFUGE — An area maintained in a natural state for the preservation of both animal and plant life.

ZONE, TRAFFIC In a mathematical traffic model the area to be studied is divided into zones, with each zone treated as producing and attracting trips. The production of trips by a zone is based on the number of trips to or from work or shopping, or other trips produced per dwelling unit.

ZONED CAPACITY — The highest number of dwelling units or jobs that are allowed to be contained in an area by zoning or other city or county jurisdiction regulations.

ZONING In general, the demarcation of an area by ordinance (text and map) into zones and the establishment of regulations to govern the uses within those zones (commercial, industrial, residential, type of residential) and the location, bulk, height, shape, use, and coverage of structures within each zone.

ZONING CONFORMANCE — The process by which zoning in areas is maintained or changed to carry out the specific intent of the land-use plan categories as defined by the Land Use Element and adopted zoning conformance matrix illustrating where specific zoning classifications are allowed. State law requires that in general law cities all land development regulations must be in conformance with the specified and implied intent of the comprehensive general plan.

ZONING, INCLUSIONARY Regulations that increase housing choice by requiring construction of more diverse and economical housing to meet the needs of low income families. Such regulations often require a minimum percentage of housing for low and/or moderate income households in new housing developments.

AGENDA BILL

Beaverton City Council Beaverton, Oregon


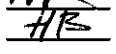
SUBJECT: An Ordinance Amending the Comprehensive Plan (Ordinance No. 4187) Land Use Map and the Zoning Map (Ordinance 2050) regarding three parcels identified on tax map 2S10600 as lots 101, 102 and 105.
CPA 2005-0006/ZMA 2005-0008;
16655 SW Scholls Ferry Road

FOR AGENDA OF: 06/19/06 **BILL NO:** 06116

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 06/05/06

CLEARANCES: City Attorney 
Planning 

PROCEEDING: First Reading

EXHIBITS: A. Ordinance and Map
B. Planning Commission Final Order No. 1869
C. Staff Report dated 3/13/2006

BUDGET IMPACT

EXPENDITURE REQUIRED \$0	AMOUNT BUDGETED \$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

The proposal is to give three parcels annexed to the City through Ordinance 4379 City Zoning and Land Use Map designations. The parcels are proposed for redesignation from Washington County FD-20 to City Neighborhood Residential – Medium Density on the Land Use Map and to Residential – 4,000 square feet minimum land area for each principal dwelling unit (R-4) on the Zoning map. The Planning Commission unanimously approved the proposal at the May 24, 2006 meeting. No written or verbal testimony was given before or at the meeting.

INFORMATION FOR CONSIDERATION:

CPA200-0006 and ZMA2005-0007 is proposed as an ordinance.

RECOMMENDED ACTION:

First Reading.

Ordinance No. 4396

AN ORDINANCE AMENDING ORDINANCE NO. 4187, FIGURE III-1, THE COMPREHENSIVE PLAN LAND USE MAP AND ORDINANCE 2050, THE ZONING MAP FOR PROPERTY LOCATED AT 16655 SW SCHOLLS FERRY ROAD; CPA2005-0006/ZMA2005-0008

WHEREAS, This property annexed to the City of Beaverton through Ordinance 4379, thus the City designations are applied to the property by this ordinance from the County's land use designations; and

WHEREAS, the Planning Commission held a public hearing on May 24, 2006, to consider CPA2005-0006/ZMA2005-0008, consider comments, and take testimony; and

WHEREAS, on May 24, 2006, the Planning Commission recommended approval of the proposed CPA2005-0006/ZMA2005-0008 application based upon the Staff Report dated March 13, 2006, for the May 24, 2006, Public Hearing, that presented the proposed City designations, addressed approval criteria, and made findings that demonstrated that adoption of the proposed ordinance would comply with applicable approval criteria; and

WHEREAS, the final order (#1869) was prepared memorializing the Planning Commission's decision and no appeal therefrom has been taken; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 4187, the Comprehensive Plan Land Use Map (Figure III-1) is amended to designate the subject property located at 16655 SW Scholls Ferry Road (shown on tax map 2S10600 as lots 101, 102, and 105) Neighborhood Residential – Medium Density, as shown on Exhibit "A".

Section 2. Ordinance No. 2050, the Zoning Map, is amended to designate the same property in Section 1 Residential – 4,000 square feet minimum land area per dwelling unit (R-4).

First reading this ___ day of _____, 2006.

Passed by the Council this ___ day of _____, 2006.

Approved by the Mayor this ___ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder




ROB DRAKE, Mayor

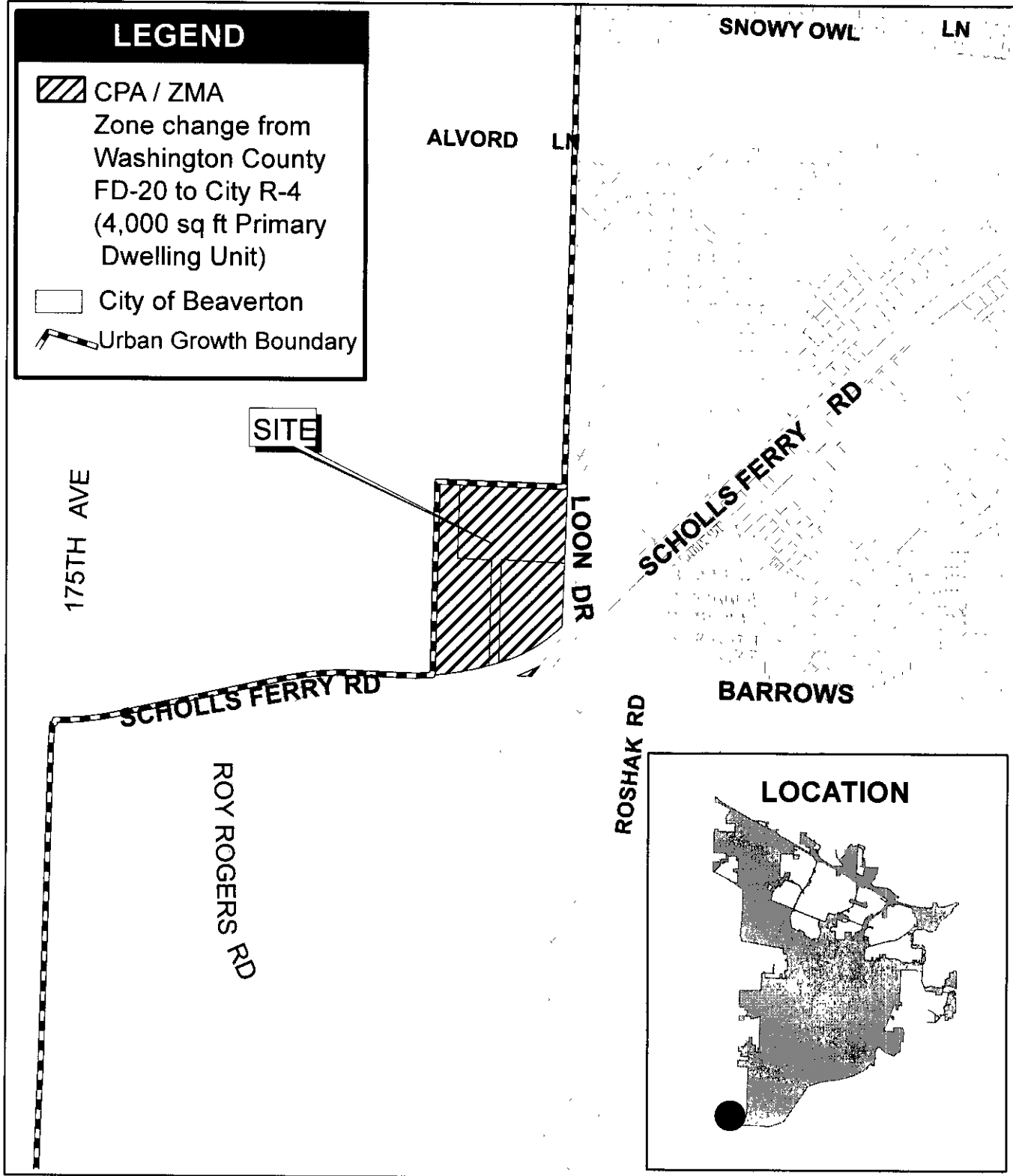
VICINITY MAP

ORDINANCE
NO. 4396

EXHIBIT A

LEGEND

-  CPA / ZMA
Zone change from
Washington County
FD-20 to City R-4
(4,000 sq ft Primary
Dwelling Unit)
-  City of Beaverton
-  Urban Growth Boundary



City of Beaverton

16655 SW SCHOLLS FERRY RD

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

2/22/06

Map #

VARIOUS



Application #

CPA 2005-0007

ZMA 2005-0006

**BEFORE THE PLANNING COMMISSION
FOR THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF CPA2005-0006, A REQUEST TO)
AMEND COMPREHENSIVE PLAN LAND USE MAP)
TO SHOW NEIGHBORHOOD RESIDENTIAL -)
MEDIUM DENSITY AND ZMA2005-0007, A)
REQUEST TO AMEND THE ZONING MAP TO)
SHOW RESIDENTIAL - 4,000 SQUARE FEET)
MINIMUM LAND AREA FOR EACH PRINCIPAL)
DWELLING UNIT, FOR PROPERTY AT 16655 SW)
SCHOLLS FERRY ROAD. CITY OF BEAVERTON,)
APPLICANT.)

ORDER NO. 1869
APPROVING REQUESTS

The matter came before the Planning Commission on May 24, 2006, on requests for an amendment to the City Comprehensive Plan Land Use Map to show Neighborhood Residential - Medium Density and the Zoning map to show Residential - 4,000 square feet minimum land area for each principal dwelling unit (R-4) for property at 16655 SW Scholls Ferry Road. The purpose of the proposed amendments to the Comprehensive Plan Land Use Map and Zoning Map is to assign appropriate City Land Use and Zoning designations to property that has been brought inside the Urban Growth Boundary and annexed into the City of Beaverton through a different process. The property is more specifically identified as Tax Lots 101, 102 and 105 on Washington County Tax Assessor's Map 2S10600.

Pursuant to Ordinance 4187 (Comprehensive Plan) Sections 1.3.1 and Ordinance 2050 (Development Code) Section 40.97.15.3.C, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Planning Commission adopts the Staff Report dated March 13, 2006, as to applicable criteria contained in Section 1.3.1 of the Comprehensive Plan, Metro

Code Sections 3.07.1105 through 3.07.1140 and Section 40.97.15.4.C of the Development Code.

IT IS HEREBY ORDERED that CPA2005-0006 is APPROVED, based on the facts, findings, and conclusions found in the Staff Report dated March 13, 2006.

Motion CARRIED, by the following vote:

AYES: Bobadilla, Maks, Stephens, Winter, and Pogue.
NAYS: None.
ABSTAIN: None.
ABSENT: Kroger and Johansen.

IT IS HEREBY ORDERED that ZMA2005-0007 is APPROVED, based on the facts, findings, and conclusions found in the Staff Report dated March 13, 2006.

Motion CARRIED, by the following vote:

AYES: Bobadilla, Winter, Maks, Stephens, and Pogue.
NAYS: None.
ABSTAIN: None.
ABSENT: Kroger and Johansen.

Dated this 1st day of June, 2006.

To appeal the decisions of the Planning Commission, as articulated in Land Use Order No. 1869 an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Recorder's Office by no later than 5:00 p.m. on Monday, June 12, 2006.

ATTEST:

Hal Bergsma
HAL BERGSMA
Planning Services Manager

PLANNING COMMISSION
FOR BEAVERTON, OREGON

APPROVED:

J. Shannon Rogue
J. SHANNON ROGUE
Vice-Chairman



CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

STAFF REPORT

TO: Planning Commission **REPORT DATE:** March 13, 2006

AGENDA DATE: May 24, 2006

FROM: Alan Whitworth, Senior Planner *Alan* and Hal Bergsma, Planning Services Manager in the Community Development Department *HB*

SUBJECT: **CPA2005-0006/ZMA2005-0007 16655 SW Scholls Ferry Road Land Use Map Amendment and Zoning Map Amendment:** To assign City Land Use Map and Zoning Map designations to three parcels annexed to the City through a different process. The parcels are identified on tax map 2S10600 as lots 101, 102 and 105.

REQUEST: Amend the City's Comprehensive Plan Land Use Map to show Neighborhood Residential - Medium Density and the Zoning map to show Residential - 4,000 square feet minimum land area for each principal dwelling unit (R-4).

APPLICANT: City of Beaverton

APPROVAL CRITERIA: Comprehensive Plan Section 1.3.1, Development Code Section 40.97.15.4.C, Metro Code Sections 3.07.1105 through 3.07.1140.

LOCATION: The property is located at 16655 SW Scholls Ferry Road. It is located on the north side of Scholls Ferry just west of SW Loon Drive.

EXISTING USE: The property is approximately 13.5 acres and is developed with a single family house and a dog kennel.

RECOMMENDATION

Based on findings in this report that the criteria contained in Comprehensive Plan Section 1.3.1, Development Code Section 40.97.15.3.C, and Metro Code Sections 3.07.1110 through 3.07.1140 are met, staff recommends approval of the request.

VICINITY

LEGEND



CPA / ZMA

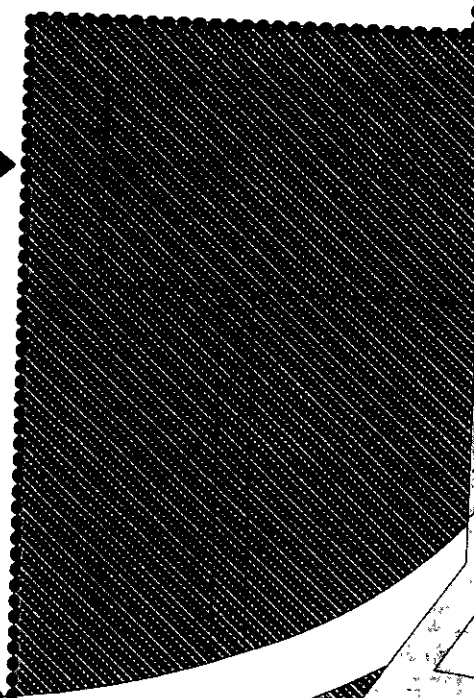


CITY LIMITS



URBAN
GROWTH BOUNDARY

SITE →



CITY OF BEAVERTON

CPA 2005-0006 / ZMA2005-0007

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

10/17/05

Map #

2S1060000102
2S1060000101
2S1060000105

N



Application #

ANX 2005-0009

006

EXISTING CONDITIONS

The three parcels total approximately 13.5 acres and are addressed as 16655 SW Scholls Ferry Road. The property is developed with a single-family house and a dog kennel. The property was brought inside the growth boundary in 2002 by Metro Council adoption of Metro Ordinance No. 02-969B. All appeals of that ordinance have been resolved. At the time of its addition to the urban area, the Metro Council adopted a condition of addition stating the City would be responsible for its planning upon annexation. The owners applied for annexation to the City in July of 2005. The annexation has been approved by the City Council to become effective on May 17, 2006.

At the time of its addition to the urban area the property was assigned an Inner Neighborhood design type by Metro, which Metro Code defines in section 3.07.130 as: "Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes..." Subsequent to its addition to the urban area, in compliance with a Metro condition of addition, Washington County placed a zoning designation of Future Development - 20 Acre District (FD-20) on the property.

The property to the north and west are outside of the Urban Growth Boundary and zoned Agriculture and Forest District (AF-20). The property on the south side of Scholls Ferry Road was brought inside the growth boundary at the same time as the subject property and is also zoned FD-20, but will receive urban zoning some time in the future. (This area is within Tigard's urban service area and therefore cannot be annexed by Beaverton.) An area to the southeast across Scholls Ferry Road and north of Barrows Road is zoned Neighborhood Service Center. The remaining property to the east is zoned Urban Standard Density R-5 and is developed with Loon Drive, Scholls Heights Elementary School and an approximately 2.3 acre City owned water detention area and proposed future well site.

SUMMARY OF COMPREHENSIVE PLAN AMENDMENT

The purpose of the proposed amendments to the Comprehensive Plan Land Use Map and Zoning Map is to assign appropriate City Land Use and Zoning designations to property that has been brought inside the Urban Growth Boundary and annexed into the City of Beaverton through a different process. The Washington County - Beaverton Urban Planning Area Agreement (UPAA) calls for the City to assign our most similar Land Use Map and Zoning Map designations to those of the County's, but because the subject property was not inside the Regional Urban Growth Boundary at the time the UPAA was signed in 1989, it is not within the area covered by the UPAA. Therefore, it does not apply to the requested amendments.

The Metro Inner Neighborhood design type is defined by Metro as “Residential areas accessible to jobs and neighborhood businesses with smaller lot sizes are inner neighborhoods.” Metro Code Section 3.07.1120.B addressed below requires at least ten dwelling units per net developable acre or lower densities which conform to the 2040 Growth Concept Plan design type designation for areas brought into the Urban Growth Boundary. Metro Code section 3.07.170 states that the recommended average density for development in Inner Neighborhood areas is 14 persons per acre. This Code section does not specify whether the recommended density is per gross or net acre, but according to Tim O’Brien of the Metro staff, it has been interpreted to be per gross acre since the Code specifies density per net acre in other sections but not in this section. Policy 3.13.1d of the Beaverton Comprehensive Plan states that the net square feet per dwelling unit in the Neighborhood Residential - Medium Density designation is 2,000 to 4,999. Assuming that there are 2.2 people per dwelling unit and that 80% of a gross acre will be available for residential lots after subtracting land for streets, tracts, etc., 7.95 dwelling units would be needed per net acre to achieve at least 14 persons per gross acre. The maximum density of the R-4 zone would achieve 8.71 principal dwelling units per net acre, versus a maximum density of 6.97 principal dwelling units per net acre in the R-5 zone, (Both zones also allow for an accessory dwelling unit for each principal dwelling unit, but accessory dwelling units are rarely built.) The R-4 zone is the lowest density implementing zone for the Neighborhood Residential – Medium Density (NR-MD) plan designation. Therefore, to comply with Metro requirements staff is recommending application of the NR-MD plan designation to the subject property.

SUMMARY OF ZONING MAP AMENDMENT

The Comprehensive Plan and Zoning District Matrix (Section 3.14 of the Comprehensive Plan) only list three implementing Zoning Districts for the NR - MD Land Use Designation. Those three districts are Residential 2,000 square feet, 3,500 square feet and 4,000 square feet minimum per primary dwell unit (R-2, R-3.5 and R-4). All three comply with the requirement of Metro Code section 3.07.1120.B. Given the surrounding low density development staff is recommending the R-4 zone for this property.

FINDINGS ADDRESSING TITLE 11 OF THE METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN: “PLANNING FOR NEW URBAN AREAS”

In conjunction with applying City plan and zoning designations, findings must be adopted demonstrating that the requirements of Title 11 of the Metro Urban

Management Function Plan relating to “Planning for New Urban Areas” have been addressed. This section quotes each section of Title 11, as shown in italics, and then provides information and findings, in bold text, demonstrating compliance with the requirements of that section, if applicable.

3.07.1105 Purpose and Intent

It is the purpose of Title 11 to require and guide planning for conversion from rural to urban use of areas brought into the UGB. It is the intent of Title 11 that development of areas brought into the UGB implement the Regional Framework Plan and 2040 Growth Concept.

3.07.1110 Interim Protection of Areas Brought into the Urban Growth Boundary

After inclusion of an area within the UGB and prior to the adoption by all local governments with jurisdiction over an area brought into the UGB of amendments to comprehensive plans and implementing land use regulations that comply with 3.07.1120, the local government shall not approve of:

- A. Any land use regulation or zoning map amendments specific to the territory allowing higher residential density than allowed by acknowledged provisions in effect prior to the adoption of the UGB amendment;*

Findings: Prior to the adoption of the amendment to the UGB that added the subject property to the urban area, it was zoned AF-10 (Agriculture and Forest District, 10 acres per dwelling unit). Subsequent to the UGB amendment Washington County zoned this property Future Development - 20 Acre District (FD-20), which requires 20 acres per dwelling unit in compliance with this requirement. With the completion of this planning process and the application of urban zoning this condition will no longer be relevant.

- B. Any land use regulation or zoning map amendments specific to the territory allowing commercial or industrial uses not allowed under acknowledged provisions in effect prior to the adoption of the UGB amendment;*

Findings: The AF-10 designation allowed for limited agricultural related commercial uses and did not allow for industrial uses. The FD-20 designation allows for a more limited amount of agricultural than the AF-10 and no industrial uses. With the completion of this planning process and the application of urban zoning this condition will no longer be relevant.

- C. Any land division or partition that would result in the creation of any new parcel which would be less than 20 acres in total size;*

Findings: Washington County's FD-20 designation complies with this requirement. This condition is intended to apply prior to the completion of the planning process that applies urban zoning. With the completion of the planning process and the application of urban zoning this condition will no longer be relevant.

D. In an area identified by the Metro Council in the ordinance adding the area to the UGB as a Regionally Significant Industrial Area:

- 1. A commercial use that is not accessory to industrial uses in the area; and*
- 2. A school, church or other institutional or community service use intended to serve people who do not work or reside in the area.*

Findings: Metro Council did not identify this area as an industrial area but approved its inclusion within the Urban Growth Boundary for housing and designated it Inner Neighborhood. Therefore, this requirement is not applicable.

3.07.1120 Urban Growth Boundary Amendment Urban Reserve Plan Requirements

All territory added to the Urban Growth Boundary as either a major amendment or a legislative amendment pursuant to Metro Code chapter 3.01 shall be subject to adopted comprehensive plan provisions consistent with the requirements of all applicable titles of the Metro Urban Growth Management Functional Plan and in particular this Title 11. The comprehensive plan provisions shall be fully coordinated with all other applicable plans. The comprehensive plan provisions shall contain an urban growth plan diagram and policies that demonstrate compliance with the RUGGO, including the Metro Council adopted 2040 Growth Concept design types. Comprehensive plan amendments shall include:

- A. Provision for annexation to the district and to a city or any necessary service districts prior to urbanization of the territory or incorporation of a city or necessary service districts to provide all required urban services.*

Findings: ORS 195.065 states; ...“urban services” means: (a) Sanitary sewers; (b) Water; (c) Fire protection; (d) Parks; (e) Open space; (f) Recreation; and (g) Streets, roads and mass transit. There is a City 8-inch sanitary sewer line immediately to the east of this property in SW Loon Drive. Local sanitary sewers lines will be maintained by the City of Beaverton and these lines eventually flow into larger lines that are maintained by Clean Water Services (CWS). CWS maintains all lines 24 inches in diameter or larger as well as providing sewage treatment. This property is not currently within the boundaries of Clean Water Services

and it will need to annex to the District. Water will be provided to this site by the City and the City has the ability to serve this site via two water lines in SW Loon Drive; one of which is a 6-inch pipe and the other is a 12-inch water pipe. Fire protection and emergency medical assistance are and will continue to be provided by Tualatin Valley Fire and Rescue. SW Scholls Ferry Road is and will be maintained by Washington County. SW Loon Drive and SW Barrows Road are and will be maintained by the City of Beaverton. Local streets constructed on the site will be maintained by the City if they are dedicated to the public or will be maintained by private property owner(s) if they are not dedicated to the public. Mass transit will continue to be provided by Tri-met, which has a bus stop approximately a mile from this site. As the remainder of Area 64 and Area 63 develop it is hoped that bus service will be extended to this area.

The Tualatin Hills Park and Recreation District (THPRD) is the primary provider of parks, recreation and open space for the City of Beaverton. Over 99% of the City is in the District. City staff is currently working on amendments to the Comprehensive Plan and Development Code to require new development to annex to the District. These amendments should be in place prior to the requested Comprehensive Plan Land Use Map and Zoning Map amendments becoming effective. The City does maintain some park and open space lands. Additionally, Metro has an approximately 231 acre nature park on Cooper Mountain proposed for development (with intentions for its expansion) that is approximately one and a half miles northwest of the subject property. With the exception of THPRD and CWS, the property does not need to annex to any district because it is already in all necessary districts. As mentioned above it is anticipated that annexation to THPRD will be required at the time of development. Annexation to CWS will be required as part of the Development Review process. Staff finds that this condition is met.

B. Provision for average residential densities of at least 10 dwelling units per net developable residential acre or lower densities which conform to the 2040 Growth Concept Plan design type designation for the area.

Findings: Staff is recommending rezoning the property to R-4, which is a medium urban density residential district with a requirement of a minimum land area of 4,000 square feet for each principal dwelling unit. As noted previously, it is assumed this zone allows for up to 8.71 principal dwelling units per net acre, while the Inner Neighborhood design type assigned to the subject property by Metro is calculated to require a minimum of 7.95 dwelling units per net acre to achieve the recommended number of persons per acre. This zone also allows one accessory dwelling per principal dwelling unit as a permitted use. Staff finds that this condition is met.

C. Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by ORS 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan.

Findings: ORS 197.303 lists the following types of housing under the definition of “needed housing”:

(a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions.

In 2001 the City of Beaverton assessed and updated its Comprehensive Plan policies in order to demonstrate compliance with state goals and required standards. As part of this “Periodic Review” process, the city conducted a Housing Types Needs Analysis and in so doing demonstrated that it could accommodate needed housing types (as defined in ORS 197.303) within its existing zone designations. The City also examined permitted use specifications and regulations for each zoning district and determined that there are no constraints within the City’s Development Code which would preclude the development of manufactured housing or housing that caters to farm workers, or populations on fixed incomes, or at particular price ranges or rent levels. Upon a review of the City’s report, the State of Oregon’s LCDC acknowledged the City to be in compliance with state housing requirements. Subsequent to that process, the City of Beaverton adopted a variety of affordable housing tools and strategies into its Comprehensive Plan to comply with Title 7 of Metro’s Urban Growth Management Functional Plan (which addresses affordable housing).

Staff is recommending R-4 zoning. This density exceeds the density generally allowed in the area and offers the future developer of this site the potential to provide single family housing, accessory dwelling units, attached housing, mobile or manufactured home subdivisions, mobile or manufactured home parks, and residential care facilities. All of these housing types could be owner or renter occupied. This site is approximately a mile from the nearest bus stop and, therefore, not a preferable site for the lowest income people in the area who may not be able to afford a car. The City of Beaverton has provided financial assistance for low income housing in the City, but other than the

possibility for a residential care facility the City does not see this as a likely site for government assisted housing even though the City would welcome more affordable housing.

It is possible that a developer might place attached dwelling units along Scholls Ferry Road and Loon Drive and place single-family dwelling units on the remainder of the property. This site is only 13.5 acres and to require every type of dwelling unit that is listed in ORS 197.303 would place an undo burden on a developer. This property is a small portion of study Area 64 with the remainder of it is in the City of Tigard's planning area. Study Area 63 is also in Tigard planning sphere and is just southeast of Area 64. These two areas combined are slightly over 500 acres and offer the opportunity to provide a diverse housing stock. Staff finds that this condition is met.

D. Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80 percent of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers.

Findings: Aside from assuming a primary roll in developing the property, providing subsidies to off-set the cost of development, or offering incentives to encourage a measure of affordability, the City of Beaverton has no authority to dictate the level of affordability associated with the development of a given property. However, staff is recommending rezoning this property to Residential with a minimum land area of 4,000 square feet per primary dwelling unit (R-4). R-4 zoning allows, as a matter of right, one accessory dwelling for every primary dwelling unit. The property to the east and northeast of this site is zoned Residential with a minimum lot area of 5,000 square feet per principal dwelling unit (R-5). This will provide the developer of this site with a substantial density bonus over adjacent development – a measure which may help reduce the unit cost and potentially pass on the savings to the eventual residents.

The City of Beaverton's efforts to promote affordable housing are described in findings addressing section 3.07.1120.C above. It should be noted that since adopting a variety of affordable housing tools and strategies to comply with Title 7 of Metro's Urban Growth Management Functional Plan, the City has been considering how best to implement them. Management of the Community Development Department recently

assigned certain staff members to assist affordable housing developers in achieving complete applications and processing applications after they have been deemed complete. City staff is currently exploring alternative ways of allowing affordable housing projects to defer payment of system development charges, and it is anticipated the City will adopt a preferred method in the spring of 2006.

Staff finds that this condition is met.

E. Provision for sufficient commercial and industrial development for the needs of the area to be developed consistent with 2040 Growth Concept design types. Commercial and industrial designations in nearby areas inside the Urban Growth Boundary shall be considered in comprehensive plans to maintain design type consistency.

Findings: Metro designated this approximately 13.5 acre site Inner Neighborhood. Staff does not believe this site is appropriate for commercial or industrial development. There is property immediately across SW Scholls Ferry Road that is zoned Neighborhood Service Center (NS). NS is a commercial zone that allows for retail trade, services, and eating and drinking establishments as matter of right, and developers are currently going through the development review process for commercial development on part of the property. Slightly over a mile to the northeast at SW Scholls Ferry Road and SW Murray Blvd. is a substantial commercial area. Approximately a half-mile to the east on SW Barrows Road, a commercial area has been approved but not yet constructed. This general area will be adequately served by commercial establishments. Staff finds that this condition is met.

F. A conceptual transportation plan consistent with the applicable provision of the Regional Transportation Plan, Title 6 of the Urban Growth Management Functional Plan, and that is also consistent with the protection of natural resources either identified in acknowledged comprehensive plan inventories or as required by Title 3 of the Urban Growth Management Functional Plan. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

Findings: This is an area that is approximately 13.5 acres. It has access from SW Scholls Ferry Road, an arterial that runs northeast and west from this site, and access may remain after this site redevelops, if approved by Washington County and the City. The site will have access from SW Loon Drive, a local street, when the property develops. Loon Drive has a traffic light at Scholls Ferry Road. Roy Rogers Road, an arterial that runs south of Scholls Ferry Road approximately a quarter of a mile west of the

subject site and 175th Avenue, an arterial that runs north from Scholls Ferry, are proposed to be connected in Washington County's 2020 Transportation Plan. Barrows Road, an east/west collector, lines up with Loon Drive at the southeast corner of the property. SW Roshak Road is a north-south collector that runs south from Barrows and comes within a few hundred feet of the southeast corner of this site. Murray Blvd. is a major north/south arterial, approximately one mile to the east of the site. Internal access will be provided by local streets paid for by the developer. The circulation plan will be reviewed during the Development Review process. This area is well served by roadways, but the nearest mass transit (bus stop) is approximately one mile to the northeast. A traffic analysis was prepared by CTS Engineers that indicated no significant adverse impact from this proposal on traffic operations or safety in the vicinity. The traffic analysis is an exhibit to this report.

Metro's 2000 Regional Transportation Plan states the following: "Prior to completion of this updated RTP, several transportation planning requirements were included in the Urban Growth Management Functional Plan (UGMFP), which was enacted to address rapid growth issues in the region while the Regional Framework Plan and other long-range plans were under development. This 2000 RTP now replaces and expands the performance standards required for all city and county comprehensive plans in the region contained in the former Title 6 of the UGMFP."

The UGMFP is section 3.07 of Metro Code. The section of Metro Code referenced above was deleted in 2002. The City of Beaverton is in full compliance with the 2000 Regional Transportation Plan and with the recently adopted 2004 Regional Transportation Plan including all required amendments to our Development Code regarding street connectivity. This condition is no longer relevant because it has been superseded by new regulations that the City is in compliance with.

Staff has reviewed the Washington County Aloha-Reedville-Cooper Mountain Community Plan and the Significant Natural and Cultural Resources Plan and see no indication of wetlands or streams. Staff has reviewed Metro and Clean Water Services data that indicate two streams crossing the property. Staff has also viewed aerial photographs that seem to indicate that these are two small streams. Delineation of wetlands and riparian areas will be part of the development review process and will be evaluated by the City and Clean Water Services staffs.

Staff finds that this condition has been met.

G. Identification, mapping and a funding strategy for protecting areas from development due to fish and wildlife habitat protection, water quality

enhancement and mitigation, and natural hazards mitigation. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the Urban Growth Boundary prior to urban development. The plan shall include a preliminary cost estimate and funding strategy, including likely financing approaches, for options such as mitigation, site acquisition, restoration, enhancement, or easement dedication to ensure that all significant natural resources are protected.

Findings: This is a 13.5 acre site and review of the Washington County Rural Natural Resource Plan and aerials do not indicate any significant fish or wildlife habitat. A review of Metro's Fish and Wildlife Study maps, done in 2002, indicates this area as having a medium rating for potential wildlife habitat, rates a class 2 for wildlife proximity and connectivity (on a three class scale), indicates no species sightings in the general area, and does not list it as a habitat of concern. A detailed review of the site will take place through the development review process. Staff finds that this condition is met.

H. A conceptual public facilities and services plan for the provision of sanitary sewer, water, storm drainage, transportation, parks and police and fire protection. The plan shall, consistent with OAR Chapter 660, Division 11, include preliminary cost estimates and funding strategies, including likely financing approaches.

Findings: The site is approximately 13.5 acres and Beaverton, the fifth largest city in the State, will have no problem providing services to it. There is an eight inch sanitary sewer line in SW Loon Drive that runs into SW Barrows Road. Due to the elevation of the site a sewer hook-up may have to run to SW Scholls Ferry Road and then connect into the line in SW Barrows Road. The City of Beaverton has two water lines in SW Loon Drive (a 6-inch and a 12-inch) available to serve this site. Storm drainage will be reviewed in the Development Review process. The property currently has access from SW Scholls Ferry Road and may continue to have access from it, which will be determined during the development review process. The property is immediately northwest of where SW Scholls Ferry Road (an arterial) and SW Barrows Road (a collector) merge together. When the site redevelops access will be required from SW Loon Drive (a local street). The City of Beaverton staff is currently working on an ordinance that will amend the Comprehensive Plan and Development Code to require new development to annex to Tualatin Hills Park and Recreation District, which is the park and recreation provider for the City. As noted previously, it anticipated that these amendments will be in effect before this request is processed. The property has access to open space at

Scholls Heights Elementary School, which is immediately across Loon Drive from the site. Given the amount of riparian area on the site there will most likely be substantial open space on the site. David's Windsor Park is approximately a half mile to the east and Scholls Wetlands Park is approximately a mile to the east both of which are wetland preservation areas. Approximately one mile to the northeast is the Murrayhill Powerline Park that is primarily a trail but also provides open space. THPRD is currently constructing Summer Creek Park, which includes vacated right-of-way for Barrows Road, about one-half mile east of the subject site. The park will include children's play areas and a trail. The property currently receives police protection from the Washington County Sheriff but upon annexation the City of Beaverton Police Department will provide protection. The property is currently within the Tualatin Valley Fire and Rescue District, which is the fire and emergency medical provider for the entire City of Beaverton. Since all urban services are in place to serve this site, no conceptual plan is necessary. Staff finds that this condition is met.

- I. A conceptual school plan that provides for the amount of land and improvements needed, if any, for school facilities on new or existing sites that will serve the territory added to the UGB. The estimate of need shall be coordinated with affected local governments and special districts.*

Findings: The property is currently in the Beaverton School District and will remain in the District. The Beaverton School District is the third largest in the State of Oregon with an enrollment for 2005-06 of 36,425 students. The development of 13.5 acres with residential development even with 4,000 square foot lots will have a negligible impact on the District. Scholls Heights Elementary School is immediately across SW Loon Drive from this site. Conestoga Middle School and Southridge High School are approximately two and a half miles to the northeast. City staff met with representatives of the Beaverton School District on September 29, 2005 regarding this annexation and also discussed the associated Comprehensive Plan and Zoning Map amendments. The representatives of the School District expressed a desire that they did not want any more growth, because they are having trouble dealing with the growth they are already experiencing. This site, particularly given the stream corridors and wetlands, would only be large enough for an elementary school and Scholls Heights Elementary School is immediately across SW Loon Drive from this site. Since adequate schools currently exist to serve this site, no conceptual plan is necessary. Staff finds that this condition is met.

- J. An urban growth diagram for the designated planning area showing, at least, the following, when applicable:*

1. General locations of arterial, collector and essential local streets and connections and necessary public facilities such as sanitary sewer, storm sewer and water to demonstrate that the area can be served;

Please see Exhibit A for the arterials, collectors, neighborhood routes and local streets in the general vicinity of the site. Sanitary sewer lines are shown on Exhibit B. Storm sewers are indicated on Exhibit C. Water lines are shown on Exhibit D. Staff finds that this condition has been met.

2. Location of steep slopes and unbuildable lands including but not limited to wetlands, floodplains and riparian areas;

There is less than a fifty foot change in elevation across the entire site. Exhibits B, C and D have contour lines and elevations indicated on them. There are no steep slopes on this site. Two streams are indicated on Exhibit C. A professional delineation of the wetlands, floodplains and riparian areas will be required in the development review process. Clean Water Services and the City will review the treatment of the two stream corridors and wetland areas in the development review process. Staff finds that this condition is met.

3. General locations for mixed use areas, commercial and industrial lands;

This is not applicable to this application because no mixed use areas, commercial or industrial lands are proposed. This area was brought inside of the Urban Growth Boundary, by Metro, to provide for residential use and was designated Inner Neighborhood. Staff does not believe that this 13.5 acre site is appropriate for mixed use, commercial or industrial development. Staff finds that this condition is not applicable.

4. General locations for single and multi-family housing;

The proposed zoning for the entire site allows for single or multi-family housing. The exception to this is the stream corridors and wetland areas, but the City allows for the transfer of residential density from such resource areas to developable areas. See Exhibit C. Staff finds that this condition is met.

*5. General locations for public open space, plazas and neighborhood centers;
and*

There will be no public open space, plazas or neighborhood centers unless they are provided by the developer. Treatment of the two streams and wetland areas will be reviewed by City and Clean Water Services staffs as part of the Development Review process. The riparian and wetland areas offer the potential for providing public open space and nature areas. The City may acquire the stream corridors and wetland areas by donation or

by acquisition, but if they are not acquired by a public agency they will have to be placed in a tract. Staff finds that this condition is not applicable.

6. General locations or alternative locations for any needed school, park or fire hall sites.

No schools, parks or fire hall sites are proposed for this site. Staff has met with representatives of the Beaverton School District and they expressed no interest in this property for a school site. This site, particularly given the stream corridors and wetlands, would only be large enough for an elementary school and Scholls Heights Elementary School is immediately across SW Loon Drive from this site. The site is currently in the Tualatin Valley Fire and Rescue District (TVF&R). TVF&R can accommodate the redevelopment of this site. TVF&R has a station on SW 175th Avenue that is approximately 2.2 miles away and another on SW Brockman that is approximately 2.7 miles away. The stream corridors may provide for limited public access particularly if they are acquired by the City. Staff finds that condition is not applicable.

K. The plan amendments shall be coordinated among the city, county, school district and other service districts.

As stated above City staff met with staff from the School District and will respond to any comments they have to make and pass them on to the Beaverton Planning Commission and City Council, if requested to do so. Washington County and the City of Beaverton entered into an agreement in December of 2004 establishing an Interim Urban Services Plan that created two areas labeled A and B. The County agreed not to oppose any City annexations in area A and the City agreed to obtain the County's permission to annex any property in area B for a period of ten years. The subject property is in area A. Washington County and all of the service districts will be sent notice of the public hearing on the requested Comprehensive Plan and Zoning Map amendments and will have an opportunity to meet with staff and comment. Tualatin Valley Fire and Rescue and Clean Water Services participate in the City of Beaverton Development Review process. Staff finds that this condition is met.

CITY COMPREHENSIVE PLAN AMENDMENT FINDINGS

Adoption by the City Council and Planning Commission of an amendment to the Plan must be supported by findings of fact, based on the record, that demonstrate the criteria of Comprehensive Plan Section 1.3.1 (Amendment Criteria) have been met. The City Council and Planning Commission may adopt by reference facts,

findings, reasons, and conclusions proposed by the City staff or others. Affirmative findings to the following criteria are the minimum requirements for Land Use Map amendments.

Compliance with Plan Amendment Criteria:

1.3.1.1. The proposed amendment is consistent and compatible with the Statewide Planning Goals.

Of the 19 Statewide Planning Goals, Goal One through Goal Fourteen are addressed below. Goal Fifteen: Willamette River Greenway; is not applicable because this property is not in or near the Willamette River Greenway. Goal Sixteen: Estuarine Resources; is not relevant because this property is not in or near an estuarine area. Goal Seventeen: Coastal Shorelands; does not relate to this proposal because this area is not on or near the Pacific Ocean. Goal Eighteen: Beaches and Dunes; does not apply because there are no beaches or dunes on or near this property. Goal Nineteen: Ocean Resources; does not apply because this property is not near the Pacific Ocean or the continental shelf.

Goal One: Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

This proposed application for a Comprehensive Plan Land Use Map amendment and zone change is subject to the public notice requirements of the City Charter, Comprehensive Plan Section 1.3.4.3, Development Code Section 50.45 and Metro Code Section 3.07.1130. The following summarizes public involvement opportunities and notification requirements specified in these sections:

- Mailing this staff report to Metro sixty days prior to the adoption of the Comprehensive Plan amendment.
- Mailing notice to DLCD, Metro, the City's Neighborhood Office and the Chair of the Committee for Citizen Involvement (CCI) at least forty-five days prior to the initial public hearing.
- A Public Hearing before the Planning Commission that must be advertised 20 days in advance in the Valley Times and posted in three conspicuous places. Thirty days prior to the hearing, notice must be mailed to the owners of the subject property by certified mail and twenty days prior to the hearing notice must be mailed to residents and owners of property within 500 feet of the subject property.

The Planning Commission at their hearing considers written comments and oral testimony before they make a decision. The procedures outlined in Comprehensive Plan Section 1.3.4.3 and Development Code Section 50.45 allow for proper notice and public hearing opportunities on the proposed Comprehensive Plan Land Use

Map amendment and zone change as required by this Statewide Planning Goal. These procedures will be followed.

Finding: *Staff finds that the City through its Charter, Comprehensive Plan and Development Code, Metro through applicable requirements of the Urban Growth Management Functional Plan and the State through numerous statutes have created proper procedures to insure citizens the opportunity to have input in this proposed Comprehensive Plan Map amendment process and that those procedures will be complied with.*

Goal Two: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City of Beaverton adopted a Comprehensive Plan, which includes text and maps, in a three-part report (Ordinance 1800) along with implementation measures, including the Development Code (Ordinance 2050) in the late 1980's. The City adopted a new Comprehensive Plan (Ordinance 4187) in January of 2002 that was prepared pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). The proposed Plan, including a new Land Use Map, was the subject of numerous public hearings and considerable analysis before being adopted. The adopted Plan and findings supporting adoption were deemed acknowledged pursuant to a series of Approval Orders from the Department of Land Conservation and Development, the last of which was issued on December 31, 2003. The land use planning processes and policy framework described in the Development Code and Comprehensive Plan form the basis for decisions and actions, such as the subject amendments.

This property is currently designated Future Development - 20 Acre District (FD-20). Washington County has amended their Comprehensive Framework Plan to show all the areas that have been brought inside the growth boundary, but will not place design types on them until the planning has been done for each area. The Metro 2040 Growth Concept Plan designates this property as Inner Neighborhood. Inner Neighborhood is defined as residential areas, with smaller lot sizes, accessible to jobs and neighborhood businesses. The City Land Use Plan designation of Neighborhood Residential – Medium Density is consistent with the Inner Neighborhood design type.

Washington County's Comprehensive Framework Plan is implemented by ten Community Plans. County Community Plan documents consist of both adopted Land Use District Maps and related Plan text. Each Community Plan Map shows the adopted land use designation for each parcel within the planning area. The Community Plan text provides a written description of the Community Plan Map,

Community Design Elements and Areas of Special Concern. Individual, site-specific policy design elements are sometimes included in the Community Plan text. City staff has reviewed the Aloha-Reedville-Cooper Mountain Community Plan for relevant site-specific policies. The subject property is not identified as being within an Area of Special Concern or having any areas of significant natural resources, historic sites, or scenic views.

Finding: Staff finds that Metro, Washington County and the city have established a land use planning process and policy framework as basis for assigning land use and zoning designations for recently annexed land. This amendment complies with Goal Two.

Goal Three: Agricultural Lands

To preserve and maintain agricultural lands.

The main purpose behind the State of Oregon establishment of growth boundaries was to preserve agricultural lands. This parcel currently is occupied by a single family house and a dog kennel. This land is not currently in agricultural use and, therefore, agricultural uses can not be preserved or maintained on this property. Metro's decision to include this property inside the growth boundary was in part because it is not suitable for agricultural use.

Finding: This land is not currently in agricultural use; therefore, agricultural uses can not be preserved or maintained on this property. This amendment complies with Goal Three.

Goal Four: Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

This property is not designated as forest land. The site does contain some trees. Under Section 40.90 of our Development Code these would be considered Community Trees and a Tree Plan would be required if the owner/developer proposed to remove five or more trees or more than 10% of the trees on the site. If a significant individual tree is identified, it would come under regulations in Section 60.60 of the Development Code.

Finding: Since this property is not designated forest land this Goal does not apply.

Goal Five: Open Spaces, Scenic and Historic Areas, and Natural Resources

To protect natural resources and conserve scenic and historic areas and open spaces.

This Goal requires that "Local governments shall adopt programs that will protect natural resources and conserve scenic, historic and open space resources for present and future generations." The City of Beaverton has adopted programs to comply with this Goal. This property does not qualify as a cultural, historic, scenic or wilderness area. Most of this site does not qualify as a natural area, but areas adjacent to the two streams will qualify as resource areas. These streams and any wetlands will be reviewed during the Development Review process by Clean Water Service (CWS). CWS will require set backs from top of the banks, preservation of vegetation, removal of any noxious plants and additional plantings. The purposes of the Urban Growth Boundary include preservation of agricultural lands, forests lands and open space.

Finding: This Goal does not apply to this property except for the natural resource areas. The treatment of these natural resource areas (streams) will be addressed though the Development Review process and this Goal will be met.

Goal Six: Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

This site is proposed for R-4 zoning and will most likely be developed with housing at a density that complies with Metro's Inner Neighborhood Design type. The City's proposed Comprehensive Plan designation is Neighborhood Residential – Medium Density. Washington County does not show any Significant Natural and Cultural Resources on this site. Aerials and Metro data show two streams on the site. The treatment of the two streams will have to comply with Clean Water Services standards and regulations when this site redevelops. Approximately half of the site is heavily treed and the City will require a tree plan when the site is redeveloped and they will have to comply with the tree regulations in Section 40.90 of the Development Code. Part of the reason behind having growth boundaries is to decrease the distances people drive and to increase the use of mass transit, which helps maintain air quality.

Finding: Water and land resource quality will be protected through the development review process and air quality is being preserved by

the existence of the Urban Growth Boundary. This amendment complies with Goal Six.

Goal Seven: Areas Subject to Natural Disasters and Hazards
To protect people and property from natural hazards.

Except for the two small streams this is not identified as an area subject to natural disasters and hazards. Clean Water Services has regulations in place that will keep development safe from flooding.

Finding: Goal Seven is met or will be met in the Development Review process.

Goal Eight: Recreational Needs
To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

This Goal relates to recreation planning and siting of destination resorts. Recreational planning for the City of Beaverton is done by Tualatin Hills Park and Recreation District (THPRD), which is the parks and recreation provider for the City. THPRD has a 20 year comprehensive that was adopted in January 1997 and revised in December of 1997. They also have a trails master plan that was adopted in July 1998. Both of these plans are currently being revised by THPRD and the City is participating in that process. As stated earlier in this report the City is in the process of amending its Comprehensive Plan and Development Code to require properties that apply for a Conditional Use, Design Review and/or Land Division to annex to THPRD.

The Goal allows for the siting of destination resorts on rural land. The subject property was brought inside the Growth Boundary for needed housing and is no longer rural land. This site does not qualify as a destination resort site because it would have to be mapped by Washington County, as such, and they can not a map a site for this use that is less than 20 acres. The siting of destination resorts provision of this Goal are not applicable to this property.

Finding: Staff finds that the recreational planning aspect of this Goal has been met by our coordination with Tualatin Hills Park and Recreation District and proceeding to amending our Comprehensive Plan and Development Code to require annexation to the District. Staff finds that the destination resort siting portion of this Goal is not applicable to this site.

Goal Nine: Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

This Goal requires comprehensive plans to address the issue of planning for major industrial and commercial developments. This property was brought inside the Growth Boundary to provide for housing after a lengthy, deliberative and public planning process by Metro. This 13.5 acre site is not suitable for a major industrial or commercial development.

Finding: This Goal is not applicable to this site.

Goal Ten: Housing

To provide for the housing needs of citizens of the state.

Oregon Administrative Rules (OAR) Chapter 660, Division 7 provides guidelines to the Portland Metropolitan Area with regard to compliance with Goals Ten and Fourteen and is referred to as the Metropolitan Housing Rule. The statement of purpose for this rule is as follows: "The purpose of this rule is to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metropolitan Portland (Metro) urban growth boundary, to provide greater certainty in the development process and so to reduce housing costs. OAR 660-007-0030 through 660-007-0037 is intended to establish by rule regional density and mix standards to measure Goal 10 Housing compliance for cities and counties within the Metro urban growth boundary, and to ensure the efficient use of residential land within the regional UGB consistent with Goal 14 Urbanization." OAR 660-007-0035 requires that the City provide for an overall residential density of 10 or more dwelling units per net buildable acre. Since its last periodic review in 1988, net development density surpassed this requirement and achieved an overall average density of 11.23 units/acre.

Metro designated this property as an Inner Neighborhood design type when it brought this area inside the UGB. The Comprehensive Plan Land Use Map designation of Neighborhood Residential – Medium Density was created to comply with the Inner Neighborhood design type. The Residential – 4,000 square feet minimum land area per principal dwelling unit zoning designation allows for more than 10 units to the acre.

Findings: Staff finds that the Neighborhood Residential – Medium Density Comprehensive Plan designation and the R-4 zoning designation comply with Goal Ten, OAR 660-007-0035 and Metro's Inner Neighborhood design type.

Goal Eleven: Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The City of Beaverton adopted a Comprehensive Plan (Ordinance 4187) in January of 2002 that was prepared pursuant to a periodic review work program approved by the State Department of Land Conservation and Development (DLCD). The adopted Plan and findings supporting adoption were deemed acknowledged pursuant to a series of Approval Orders from the Department of Land Conservation and Development, the last of which was issued on December 31, 2003. Chapter 5, the Public Facilities and Services Element, implements the requirements of Oregon Administrative Rules (OAR 660-011-0000 through 660-011-0050) providing guidelines for compliance with Goal 11.

All public facilities, as defined by OAR 660-011-0005(7), are available to and adequate to serve this site at this time. The availability of those facilities is described in the response to Metro Code Section 3.07.1120.A on pages 6 and 7 of this staff report.

Findings: Staff finds that the City's Comprehensive Plan policies address Statewide Planning Goal Eleven and that since all public facilities, as defined by OAR 660-011-0005(7), are available and adequate to serve this site the proposed Comprehensive Plan Land Map amendment to Neighborhood Residential – Medium Density is in compliance with Goal 11.

Goal Twelve: Transportation

To provide and encourage a safe, convenient and economic transportation system.

Oregon Administrative Rules (OAR) 660-012-000 through 660-012-0070, referred to as the Transportation Planning Rule (TPR), provide guidance on compliance with Statewide Planning Goal Twelve. Transportation System Plans adopted pursuant to OAR Division 12 fulfill the requirements for public facilities planning required under Oregon Revised Statutes (ORS) 197.712(2)(e), Goal 11 and OAR Chapter 660, Division 11 as they relate to transportation facilities. The City of Beaverton adopted a Comprehensive Plan, which includes text and maps, in five volumes. The first volume includes a Chapter on transportation planning in the City. Volume 4 of the Comprehensive Plan contains the City's adopted Transportation System Plan (effective June 6, 2003). OAR 660-012-0060 requires local governments to review Comprehensive Plan and land use regulation amendments with regard to the effect of the amendment on existing or planned transportation facilities. This section is cited as follows:

"A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan."

This is an area that is approximately 13.5 acres. It has access from SW Scholls Ferry Road, an arterial that runs northeast and west from this site, and access may remain after this site redevelops, if approved by Washington County and the City. The site will have access from SW Loon Drive, a local street, when the property redevelops. Loon Drive has a traffic light at Scholls Ferry Road. Roy Rogers Road, an arterial that runs south of Scholls Ferry Road approximately a quarter of a mile west of the subject site and 175th Avenue, an arterial that runs north from Scholls Ferry, are proposed to be connected in Washington County's 2020 Transportation Plan. Barrows Road, an east/west collector, lines up with Loon Drive at the southeast corner of the property. SW Roshak Road is a north-south collector that runs south from Barrows and comes within a few hundred feet of the southeast corner of this site. Murray Blvd. is a major north/south arterial, approximately one mile to the east of the site. Internal access will be provided by local streets paid for by the developer. The circulation plan will be reviewed during the Development Review process. This area is well served by roadways, but the nearest mass transit (bus stop) is approximately one mile to the northeast. As the remainder of Area 64 and Area 63 develop it is hoped that bus service will be extended to this area. A traffic analysis was prepared by CTS Engineers for the proposed Comprehensive Plan and Zoning Map amendments that indicates no significant adverse impact from this proposal on traffic operations or safety in the vicinity, assuming build out of the net developable acreage of the site at the maximum permitted density of principal dwelling units. (The traffic analysis assumed 2.64 acres to be unbuildable to meet stream buffer requirements, and netted out 20% of the remaining acreage for internal roadways and utility easements.) The traffic analysis is an exhibit to this report.

Findings: Staff finds that the road system in this area is adequate to accommodate any permitted development under the Neighborhood Residential - Medium Density Comprehensive Plan designation and Residential - 4 zoning designation. When the remainder of Area 64 is developed staff anticipates that bus service will be extended to this area. Staff finds that Goal 12, which requires there to be a safe, convenient and economic transportation system, is met.

Goal Thirteen: Energy Conservation

To conserve energy.

A primary effect of a tightly drawn urban growth boundary is to reduce sprawl, which saves energy by reducing the distances that people drive and by facilitating greater public transit use. The City's Development Code has incorporated various regulations such as solar access provisions to promote energy conservation. When this site redevelops it will be required to provide sidewalks that will allow people to walk rather than drive. Property across Scholls Ferry Road to the southeast, within walking distance of the site, is zoned Neighborhood Service Center (NS) which allows for the development of commercial land uses that meet the frequent needs of nearby residents. The nearest transit stop (bus) is approximately one mile to the northeast on Scholls Ferry Road, but it is anticipated that when the remainder of Area 64 redevelops that transit services will be extended to this area.

Finding: Staff finds that the State through the creation of the growth boundaries, Metro through maintenance of a tight growth boundary and various regulations, and Beaverton through its Comprehensive Plan and zoning designations in the area has complied with Goal Thirteen.

Goal Fourteen: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Within the Portland Metropolitan Area, Metro is responsible for compliance with Goal 14 as it relates to expansion of the regional Urban Growth Boundary (UGB). After a lengthy deliberative process Metro brought approximately 18,000 acres inside the UGB in December of 2002. This acreage was roughly divided into approximately 16,000 acres for residential purposes and 2,400 acres to provide for employment purposes. This 13.5 acres site is part of Area 64 that was brought into the UGB to provide for residential development. The Title 11 planning for the rest of Area 64 will be performed by either Washington County or the City of Tigard.

Findings: Staff finds that the property in question is in the Urban Growth Boundary. Metro in their deliberative process provided for an orderly and efficient transition from rural to urban land use. Thus, this goal is not applicable to this amendment.

SUMMARY FINDING: Staff finds that the requested Comprehensive Plan change to Neighborhood Residential – Medium Density is consistent with the Statewide Planning Goals and the requirements of Criterion 1.3.1.1 are met.

1.3.1.2. The proposed amendment is consistent and compatible with Metro Regional Urban Growth Goals and Objectives and the Metro Regional Framework Plan.

Metro's Urban Growth Management Functional Plan Section 3.07.830 requires that any Comprehensive Plan change must be consistent with the requirements of the Functional Plan. The City is only required to address provisions in the Urban Growth Management Functional Plan, which is an Element of the Framework Plan. The City has adopted all requirements of the Regional Framework Plan (which includes the RUGGOs and the Urban Growth Management Functional Plan) and is in compliance with these requirements. The only Metro requirements that this Comprehensive Plan change needs to comply with are Title 1, Title 11 and Title 12. The Title 1 designation of this property is Inner Neighborhood. Neighborhood Residential - Medium Density was created by the City to comply with the Inner Neighborhood design type. Title 11 was addressed previously on pages four through fifteen of this report.

Metro Code Section 3.07.1210 refers to the protection of existing neighborhoods and is clearly not applicable to this site. Section 3.07.1230 addresses access to commercial services, which was addressed under Section 3.07.1120.E on page 10 of this report. Section 3.07.1240 relates to access to schools and parks; access to schools is addressed in response to Title 307.1120.I on page 13 of this report and parks is address partially in response to Title 3.07.1120.A on pages 6 and 7. As stated earlier in this report, THPRD is the primary parks and recreation provider for the residents of the City of Beaverton. THPRD has not adopted park facility standards that are based on distance as called for in 3.07.1240.A. Their standards are based on facilities per population. 3.07.1240.B states: "To make parks and greenspaces more accessible to residents of Inner and Outer Neighborhoods and all residents of the region, each city and county shall provide for access to parks and greenspaces by walking, biking and transit, where transit is available or planned." THPRD, Washington County and the City of Beaverton have worked to improve bicycle and pedestrian access. There are several bike routes in the area with the closest being on Scholls Ferry and Barrows Roads. Beaverton requires new development to provide sidewalks. THPRD is in the process of developing an off road bike path and walking trail in the Bonneville Power Administration powerline

right-of-way. THPRD and the Beaverton School District have worked together to share facilities. Currently the nearest transit stop (bus) is about a mile away, but it is anticipated that when the remainder of area 64 develops that bus service will be extended to this area.

FINDING: Staff finds that the requested Land Use Map designation of Neighborhood Residential – Medium Density is consistent and compatible with regional plans and guidelines. The requirements of Criterion 1.3.1.2 are met.

1.3.1.3 The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans.

The Comprehensive Plan's Goal 3.13.4 states; "Establish Medium Density Residential areas to allow for single family attached and detached, and multiple-family developments." And the associated Policies a and b state "Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix" and "Medium Density Residential zoning is located generally in areas with good access to arterial streets, good transit service, commercial service, and public open space, or should be designed in a coordinated manner to provide such amenities in the immediate vicinity." R-4 is shown in the matrix as an implementing zone for the Medium Density Neighborhood Residential designation. There is very little land designated NR-MD or R-4 in the City and this will allow for greater diversity of the housing supply.

Section 2.6.3 of the City Comprehensive Plan addresses Annexation Related Comprehensive Plan Map and Zoning Map Amendments. This section explains that Comprehensive Plan and Zoning map amendments of annexed properties are subject to the provisions of the Urban Planning Area Agreement. The UPAA is Section 3.15 of the Plan. The UPAA has a chart dictating what Comprehensive Plan and Zoning districts shall be applied given the Washington County designation at the time of annexation. The UPAA only includes the designations that existed at the time the UPAA was written in 1988. For all zoning districts created after 1988 the City agreed to apply its most similar Comprehensive Plan and Zoning designation to what the County had placed on the property at the time of annexation. The UPAA is not applicable to this particular annexation related Comprehensive Plan Land Use Map and Zoning Map amendments because this area was brought inside the Urban Growth Boundary (UGB) by Metro after the UPAA was adopted, and subject property is outside the area subject to the UPAA. In compliance with Metro requirements Washington County zoned the property Future Development - 20 (FD-20), which is a holding zone for land brought inside the UGB until the area can be reviewed and have urban zoning assigned to it. The City of Beaverton has no zoning category similar to FD – 20. If the City did have a similar zoning district, it would not comply with Metro's Inner Neighborhood design

type. The Neighborhood Residential - Medium Density Land Use designation and R-4 zoning designation comply with Metro's design type (as required by Policy 3.13.1.d) and other requirements. The proposed Comprehensive Plan and Zoning designation comply with The Comprehensive Plan and Zoning District Matrix (Section 3.14 of the Plan) as required by Policy 3.13.1.e and 3.13.4.a. Policy 3.13.1.a requires the City to "Regulate residential development to provide for diverse housing needs by creating opportunities for single and multi-family development of various sizes, types and configurations." The City currently has a very small percentage of land designated Neighborhood Residential – Medium Density and has less than 20 acres of land zoned R-4. By so designating this property the City will provide the option for diversifying housing types and configurations for single and multi-family housing.

Comprehensive Plan Goal 3.4.2 is to create; "Proper relationships between residential, commercial, industrial, mixed and public land uses to provide a sound basis for urbanization." This site has the Urban Growth boundary to it north and west with rural land beyond. South of Scholls Ferry Road is the remainder of area 64, which will be developed primarily with urban level housing. To the east is an elementary. To the east is Loon Drive, then a 2.3 acre City owned water detention site and an elementary school. There is property immediately across SW Scholls Ferry Road that is zoned Neighborhood Service Center (NS). NS is a commercial zone that allows for retail trade, services, and eating and drinking establishments as matter of right, and developers are currently going through the development review process for commercial development on part of the property. Slightly over a mile to the northeast at SW Scholls Ferry Road and SW Murray Blvd. is a substantial commercial area. Approximately a half-mile to the east on SW Barrows Road, a commercial area has been approved but not yet constructed. This general area will be adequately served by commercial establishments. This area is not well served by industrial areas.

Goal 3.13.4 states: "Establish Medium Density Residential areas to allow for single family attached and detached, and multiple-family developments." And the associated Policies a and b state "Apply zoning districts as shown in subsection 3.14 Comprehensive Plan and Zoning District Matrix" and "Medium Density Residential zoning is located generally in areas with good access to arterial streets, good transit service, commercial service, and public open space, or should be designed in a coordinated manner to provide such amenities in the immediate vicinity." R-4 is shown in the matrix as an implementing zone for the Medium Density Neighborhood Residential designation. There is very little land designated NR-MD or R-4 in the City and this will allow for greater diversity of the housing supply. This site currently has direct access to Scholls Ferry, which is an arterial. Road access is discussed in more detail in the response to Metro Code Section 3.07.1120.F on pages 10 and 11 and depicted on Exhibit A. The nearest transit stop (bus) is approximately a mile to the northeast of this site, but staff anticipates that transit

service will be extended when the remainder of Area 64 is redeveloped. Access to commercial areas is discussed in the response to Metro Code Section 3.07.1120.E on page 10 of this report. The property is directly across Loon Drive from an elementary school (approximately 8.75 acres) and a City own water detention area (approximately 2.4 acres). The riparian areas on the site will most likely be placed in tracts and remain open space.

Goal 4.2.1.1 states: “Maximize use of buildable residential land in the City.” and the one associated policy reads as follows “Increase residential capacity in the City to substantially comply with requirements of Title 1 of the Metro Urban Growth Management Functional Plan.” In order to comply with these the City adopted a provision to require that net residential development density occur at a minimum of 80% of the maximum density allowed for in a zone. Also, the City adopted a new zoning designation allowing for a minimum lot size of 4,000 square feet per dwelling unit. The Neighborhood Residential – Medium Density (NR-MD) and R-4 zoning comply with this goal.

Goal 4.2.2.1 states: “Provide an adequate variety of quality housing types to serve Beaverton’s citizenry.” The City has very little land designated NR-MD or R-4 especially in the southwest portion of the City that this property is adjacent to. This allows development of a housing type that may be somewhat different than the adjacent areas.

Goal 4.2.3.2 calls for the City to “Promote the production of new affordable housing units in the City.” Allowing for higher density housing, hopefully, will help reduce the cost of housing constructed on this site.

Goal 5.7.1 directs the City to “Cooperate with the Beaverton School District in its efforts to provide the best possible educational facilities and services to Beaverton residents.” and its Policy f states: “The City shall notify the School District when considering Comprehensive Plan or land use regulation amendments that may significantly impact school capacity.” The property is currently in the Beaverton School District and will remain in the District. City staff met with representatives of the Beaverton School District on September 29, 2005 regarding this annexation and also discussed the associated Comprehensive Plan and Zoning Map amendments. The representatives of the School District expressed a desire for no more growth because they are having trouble dealing with the growth they are already experiencing. However, City staff does not believe that the development of a 13.5 acre site, even designated NR-MD and zoned R-4, would have a significant impact on the third largest school district in the State with 36,425 students for 2005-06. This site, particularly given the stream corridors and wetlands, would only be large enough for an elementary school and Scholls Heights Elementary School is immediately across SW Loon Drive from this site.

Goal 6.2.4 states: “An efficient transportation system that reduces the percentage of trips by single occupant vehicles, reduces the number and length of trips, limits congestion, and improves air quality.” And its Policy c states: “Maintain levels of service consistent with Metro’s *Regional Transportation Plan* and the *Oregon Transportation Plan*. Applications for Comprehensive Plan Amendments shall comply with the requirements of OAR 660-012-0060 and as appropriate include a Transportation Impact Analysis that shows that the proposal will not degrade system performance below the acceptable two-hour peak demand-to-capacity ratio of 0.98. If the Adopted *Comprehensive Plan* forecasts a two-hour peak demand-to-capacity ratio greater than 0.98 for a facility, then the proposed amendment shall not degrade performance beyond the forecasted ratio. Reduce traffic congestion and enhance traffic flow through such system management measures as intersection improvements, intelligent transportation systems, incident management, signal priority, optimization, and synchronization, and other similar measures.” The City hired the firm of CTS Engineers to perform a traffic analysis of this site for the proposed NR-MD Comprehensive Plan and R-4 zoning designations. The study concluded that there would be no significant impacts from the allowable development. The Transportation Analysis is Exhibit E to this report.

Goal 7.3.1.1 states: “Conserve, protect, enhance or restore the functions and values of inventoried Significant Natural Resources.” The policies for this Goal are listed below.

- a) “Inventoried natural resources shall be conserved, protected, enhanced or restored:
- to retain the visual and scenic diversity of our community;
 - for their educational and recreational values;
 - to provide habitats for fish and wildlife in our urban area.”

Washington County has not inventoried this site for natural resources nor has the City of Beaverton. Metro, however, has inventoried the site and has identified a Class 1 riparian area (highest value), Class 2 riparian areas (medium value), Class B wildlife habitat areas (medium value), and Class C wildlife habitat areas (lowest rated value). Metro’s habitat mapping calls for the Class 1 riparian area to receive high habitat conservation, the Class 2 riparian areas to receive moderate habitat conservation and to allow development on the remainder of the site. Developers of this site will need to provide mapping of the riparian areas, which will then be reviewed by Clean Water services and the city during the Development Review process.

- b) “Conserve, protect and enhance natural resource sites and values through a combination of programs that involve development regulations, purchase of land and conservation easements, educational efforts, and mitigation of impacts on resource sites.”

The conservation, protection and enhancement of natural resources on this site will be addressed in the Development Review process as stated in response to Policy a) above. In addition to this, a Tree Plan will be required to ensure that tree preservation is being done in an appropriate manner. Mitigation of any impacts in the riparian areas will be addressed in the Development review process, which may include conservation easements. The City is not contemplating acquiring this property. The recommendation of education efforts is direction to primarily government agencies and not applicable to an individual site.

- c) "Inventoried natural resources shall be incorporated into the landscape design of development projects as part of a site development plan, recognizing them as amenities for residents and employees alike."

The incorporation of the natural resource areas and the preservation of trees will be addressed in the Development Review process.

- d) "The City shall rely on its site development permitting process as the mechanism to balance the needs of development with natural resource protection."

This is how the City of Beaverton currently balances the needs of development with natural resources protection.

- e) "Development within Significant Natural Resource areas shall be consistent with the relevant regulations or guidelines of the National Marine Fisheries Service, U.S. Fish and Wildlife Service, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, Oregon Division of State Lands, Clean Water Services, and the Oregon Department of Environmental Quality."

This is currently part of the Development Review process.

- f) "Specific uses of or development activities in Significant Natural Resources areas shall be evaluated carefully and those uses or activities that are complementary and compatible with resource protection shall be permitted. This is not intended to prohibit a land use permitted by the underlying zoning district but only to regulate the design of development such as building or parking location or type of landscaping."

The specific uses or development in the natural resource areas will be addressed in the Development Review process with procedures and a process that is already in place.

- g) "Limited alteration or improvement of Significant Natural Resource areas may be permitted so long as potential losses are mitigated and "best management

practices” are employed.”

This Policy will also be addressed in the Development Review process.

- h) “Roads and utilities, which must be located within, or traverse through, a Significant Natural Resource Area, shall be carefully planned and aligned so as to minimize loss and disruption. A rehabilitation or restoration plan shall be a necessary component. The City should allow variations from standard street sections in these areas.”

The location of roads, bike paths and/or utilities will be reviewed and addressed in the Development Review process.

Goal 7.5.1 states: “Development projects and patterns in the City that result in reduced energy consumption.”

A primary effect of a tightly drawn urban growth boundary is to reduce sprawl, which saves energy by reducing the distances that people drive and by facilitating greater public transit. Zoning regulations and transportation plans are currently structured to maximize energy savings. The City has higher density and mixed used districts to allow for living, working and shopping in close proximity, thereby reducing energy consumption for travel. The City’s Development Code has incorporated various regulation such as solar access provisions to promote energy conservation. When this site redevelops it will be required to provide sidewalks that will allow people to walk rather than drive. Property across Scholls Ferry Road to the southeast, within walking distance of the site, is zoned Neighborhood Service Center (NS) which allows for the development of commercial land uses that meet the frequent needs of nearby residents. The nearest transit stop (bus) is approximately one mile to the northeast on Scholls Ferry Road, but it is anticipated that when the remainder of Area 64 redevelops that transit services will be extended to serve this area.

Finding: Staff finds that the requested Comprehensive Plan change to Neighborhood Residential – Medium Density is consistent and compatible with the Comprehensive Plan. The proposed amendment is compatible with Metro’s Regional Transportation Plan and Metro’s Urban Growth Management Functional Plan requirements as discussed on pages 4 through 15 of this report. The Transportation Plan is also addressed on pages 22 through 24 in the discussion addressing Statewide Planning Goal 12. Staff is unaware of any local plans that directly impact this Comprehensive Plan Land Use Map amendment. The requirements of Criterion 1.3.1.3 are met.

1.3.1.4 Potential effects of the proposed amendment have been evaluated and will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare.

This property was brought inside the UGB by Metro to provide needed housing. The application of an urban Comprehensive Plan designation and urban zoning will allow this area to be developed with needed housing. Washington County has a jobs/housing imbalance and additional housing will help alleviate this problem. Additional housing close to jobs and schools will be beneficial to the quality of life, economy, environment, environment, public health, safety and welfare, because it will reduce the distance that people have to commute to work or school.

FINDING: Staff finds that the potential effects of the proposed amendment will not be detrimental to quality of life, including the economy, environment, public health, safety or welfare. Criterion 1.3.1.4 is met for the proposed Comprehensive Plan Land Use Map amendment.

1.3.1.5 The benefits of the proposed amendment will offset potential adverse impacts on surrounding areas, public facilities and services.

The public facilities have been discussed several times in this report and are adequate to serve this 13.5 acre site. The character of the surrounding area has also been addressed. It is necessary for the UGB to be expanded from time to time to accommodate growth, and Metro has deemed the subject property to be an appropriate location for UGB expansion. Upon its annexation, the City of Beaverton is responsible for ensuring that the area can be developed at urban densities. The benefit of applying an urban Comprehensive Plan and Zoning designations will allow needed housing to be provided for the area.

FINDING: Staff finds the benefits of the proposed Land Use Map amendment will offset potential adverse impacts on surrounding areas, public facilities and services. Criterion 1.3.1.5 is met for the proposed Comprehensive Plan Land Use Map amendment.

1.3.1.6 There is a demonstrated public need, which will be satisfied by the amendment as compared with other properties with the same designation as the proposed amendment.

There are very few areas in the City that are designated NR-MD and they are developed. There is one area in the City zoned R-4 and it is currently developed. Being that there is no NR-MD or R-4 designated land that is undeveloped there a demonstrated public need for redevelopable land designated NR-MD and zoned R-4. This amendment is associated with an annexation that will add property to the

City. It is desirable for property within the City to have City Comprehensive Plan and zoning designations in place of the County designations. Additionally, the City is required by Metro Code to apply urban zoning to replace the Future Development - 20 zoning placed on the property by the County.

FINDING: Staff finds that there is a public need for additional NR-MD land zoned R-4 because there is very little such land and all such designated land is developed. This furthers Comprehensive Plan Goal 4.2.2.1, which states: "Provide an adequate variety of quality housing types to serve Beaverton's citizenry."

CITY ZONING MAP AMENDMENT FINDINGS

Adoption by the City Council and Planning Commission of an amendment to the Zoning Map must be supported by findings of fact based on the evidence provided by the applicant demonstrating the criteria of the Development Code Section 40.97.15.4.C (Discretionary Annexation Related Zoning Map Amendment - Approval Criteria) have been met. The City Council and Planning Commission may adopt by reference facts, findings, reasons, and conclusions proposed by the City staff or others. Affirmative findings to the following criteria are the minimum requirements for Zone Map amendments.

40.97.15.4. C.1 The proposal satisfies the threshold requirements for a Discretionary Annexation Related Zoning Map Amendment application.

There is one threshold requirement stated in section 40.97.15.4.A.1 which is "The change of zoning to a City zoning designation as a result of annexation of land to the City and the Urban Planning Area Agreement (UPAA) does not specify a particular corresponding City zoning designation and discretion is required to determine the most similar City zoning designation." In the case of this application as explained previously in this report, the subject property is outside of the area subject to the provisions of the UPAA. Furthermore, the UPAA does not list the existing County FD-20 zone because it is intended to function as a holding designation until the appropriate urban zoning designation can be determined. Instead, it must be demonstrated the proposed R-4 zoning category complies with Metro's design type of Inner Neighborhood as the City is required to do by Metro Code. This has been demonstrated previously in this report.

FINDING: Staff finds the normal rule for a Discretionary Annexation Related Zoning Map Amendment application does not apply because the subject property is not covered by the UPAA. Section 3.14 of the City's Comprehensive Plan, the Comprehensive Plan and Zoning District Matrix, provides three implementing zones for the Neighborhood Residential - Medium Density designation; those being R-2, R-3.5 and R-4. Staff used

discretion in finding that R-4 is the zone that most closely conforms to design type assigned to the subject property by Metro, Inner Neighborhood.

40.97.15.4. C.2 *All City application fees related to the application under consideration by the decision making authority have been submitted.*

FINDING: *Since there are no fees for annexation related Land Use Map and Zoning Map Amendments. Staff finds that this criterion is not applicable.*

40.97.15.4. C.3 *The proposed zoning designation most closely approximates the density, use provisions, and development standards of the Washington County designation which applied to the subject property prior to annexation.*

As explained in the analysis and findings for approval criterion 40.97.15.4.C.1, this criterion is not relevant to this application. Washington County zoned this property Future Development - 20 (FD-20) to comply with Metro requirements. The City does not have a zoning category that is similar to FD-20, which is a holding zone until urban zoning can be placed on the property. The proposed zoning of Residential - 4,000 square feet of land area minimum per principal dwelling unit complies with Metro requirements and the City's Comprehensive Plan and Zoning District Matrix.

FINDING: *Staff finds that this condition is not applicable to land brought inside the urban growth boundary and zoned Future Development - 20.*

40.97.15.4.C.4 *The proposed zoning designation is consistent with any guidance contained within the UPAA concerning the application of non-specified zoning district designations.*

As explained previously in this report, the subject property is outside the area covered by the UPAA. Furthermore, the UPAA does not reference the current County zoning designation of FD-20 nor does the City have any similar zoning. The UPAA does not anticipate land being brought inside the UGB and zoned FD-20.

FINDING: *Staff finds that this condition is not applicable.*

40.97.15.4. C.5 *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

The City processes Land Use Map and Zoning Map Amendments (CPA/ZMA) for property being annexed into the City and there are no other applications relating to this property pending. The property owner may, in the future, submit a request to the City for modification or redevelopment of the property, but nothing has been proposed at this time.

FINDING: Staff finds that there are no proposals related to this request that will require further City approvals and, therefore, no additional applications or documents are required.

PROCESS

Submission Requirements: An application for a Discretionary Annexation Related Zoning Map Amendment shall be made by the submittal of a valid annexation petition or an executed annexation agreement. An annexation petition has been submitted.

Public Hearing: Annexation Related Land Use Map amendments follow the procedures in the Comprehensive Plan and Annexation Related Zoning Map amendments follow the procedures in the City Charter and the Development Code. When the UPAA is not specific as to exactly which designations to assign, both processes require a public hearing before the Planning Commission. In this case the UPAA is not specific about either the Land Use Map or Zoning Map designations nor is it applicable. This circumstance requires the Land Use Map and Zoning Map amendments to have a public hearing before the Planning Commission. The Zoning Map amendment will be processed as a Type 3 application. A public hearing has been scheduled before the Planning Commission on May 24, 2006 for the proposed amendments.

Public Notice: Section 43 of the City Charter, Section 1.3.4.3(a) of the Comprehensive Plan and Section 50.45.2 of the Development Code prescribe the notice to be provided for a public hearing on these types of applications.

Notice as described below for hearings on annexation related CPA's must be provided not less than twenty (20) calendar days prior to the City Planning Commission hearing and rezones must provided notice not less than seven (7) days prior to the hearing with the exception of the property owner who must, as required by the City Charter, be sent notice by certified mail at least twenty (20) calendar days prior to the hearing.

1. Legal notice will be published in the Beaverton Valley Times on April 20, 2006.
2. Notice will be posted at the Post Office, Beaverton Library and City Hall on or before April 24, 2006.
3. Notice will be mailed to the Neighbors Southwest Neighborhood Association Committee and the Reedville/Cooper Mountain/Aloha Citizen Participation Organization and persons within 500 feet of the proposed rezones on or before April 24, 2006.
4. Notice will be mailed to the property owner by certified mail on or before April 24, 2006.

Notice will also be mailed to Metro and the State Department of Land Conservation and Development on March 16, 2006 more than the 60 days in advance of the initial hearing as required by the Metro Code and Section 660-018-0020 of the Oregon Administrative Rules. This staff report will be mailed to Metro at least 60 days prior to the Planning Commission's Public Hearing as required by Metro Code Section 3.07.1130.

The Planning Commission has not directed staff to provide additional notice for these amendments beyond the notices described above. The notice requirements for this CPA/ZMA will be met.

Decision: Following a Planning Commission action, a Planning Commission order will be prepared and mailed to the property owners and any person submitting written comments prior to or at the hearing or testifying before the Planning Commission during the hearing.

Appeals: Appeals of the Commission decision regarding CPA's and rezones are made to the City Council. The procedure for filing such an appeal and the manner of the hearing is governed by Section 1.3.6 of the Comprehensive Plan for the CPA and Section 50.70 of the Development Code for the ZMA. The appeal request must be made in writing and delivered to the City within 10 calendar days of the land use order date. In addition, there is a non-refundable \$1,276.00 fee for each decision appealed that must accompany the request for a hearing.

120-Day Rule: This rezone request is quasi-judicial. The applicant (City of Beaverton) has waived the 120-day rule (Oregon Revised Statutes Chapter 227 Section 178). The CPA is not subject to the 120-day rule.

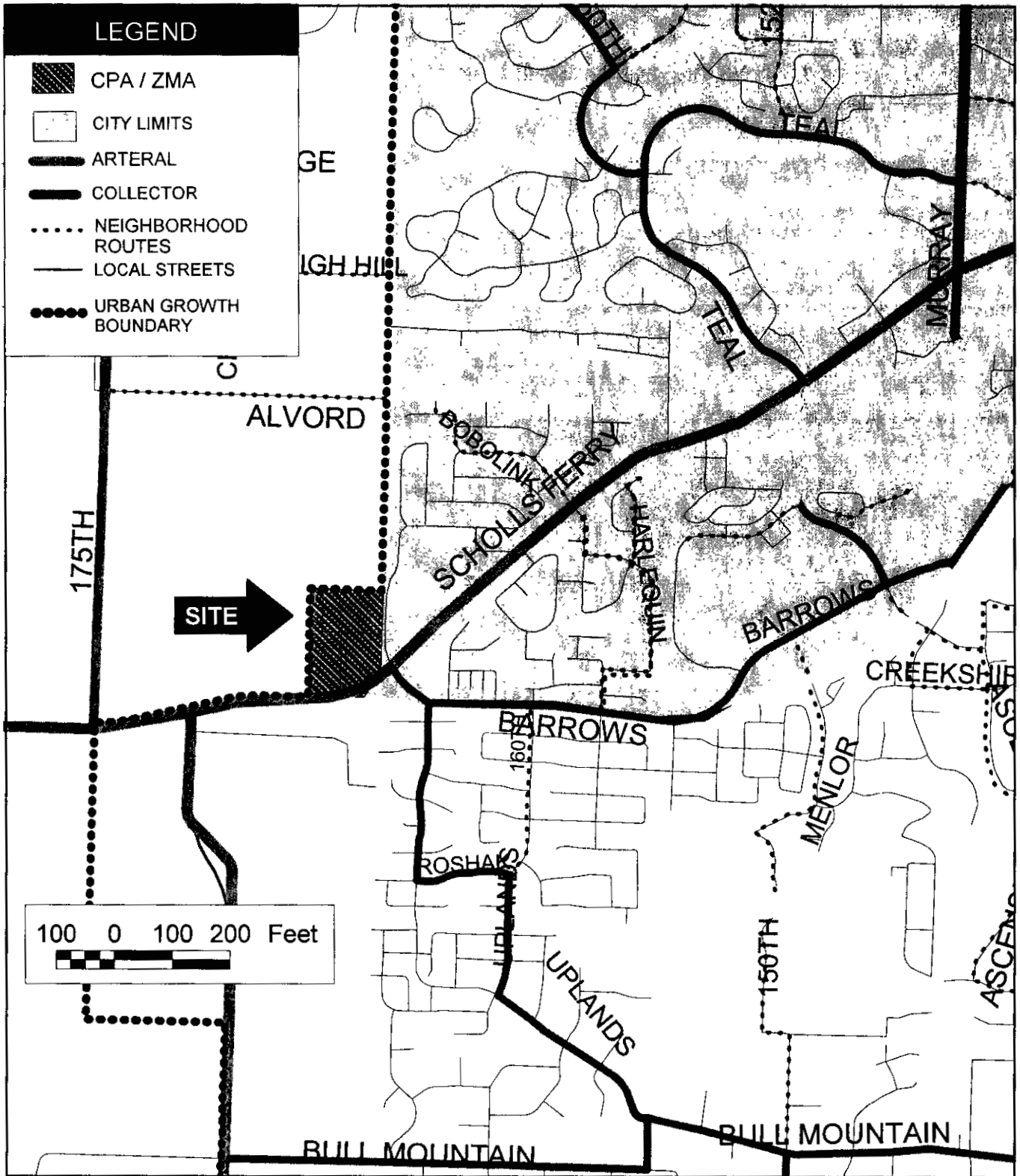
FINDING: Applicable procedural requirements will be met for these proposed Land Use Map and Zoning Map amendments.

Based on the findings in this report, staff concludes amending the Land Use Map to show Neighborhood Residential – Medium Density, and the Zoning Map to show Residential – 4,000 square feet of land area minimum is available for each principal dwelling unit (R-4), is appropriate.

Exhibits:

- A: Road System Diagram**
- B: Sanitary Sewer Lines Diagram**
- C: Storm Drainage Diagram**
- D: Water Lines Diagram**
- E: Transportation Study**

EXHIBIT "A"



CITY OF BEAVERTON

CPA 2005-0006 / ZMA2005-0007 ROAD SYSTEM

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

10/17/05

Map #

2S1060000102
2S1060000101
2S1060000105

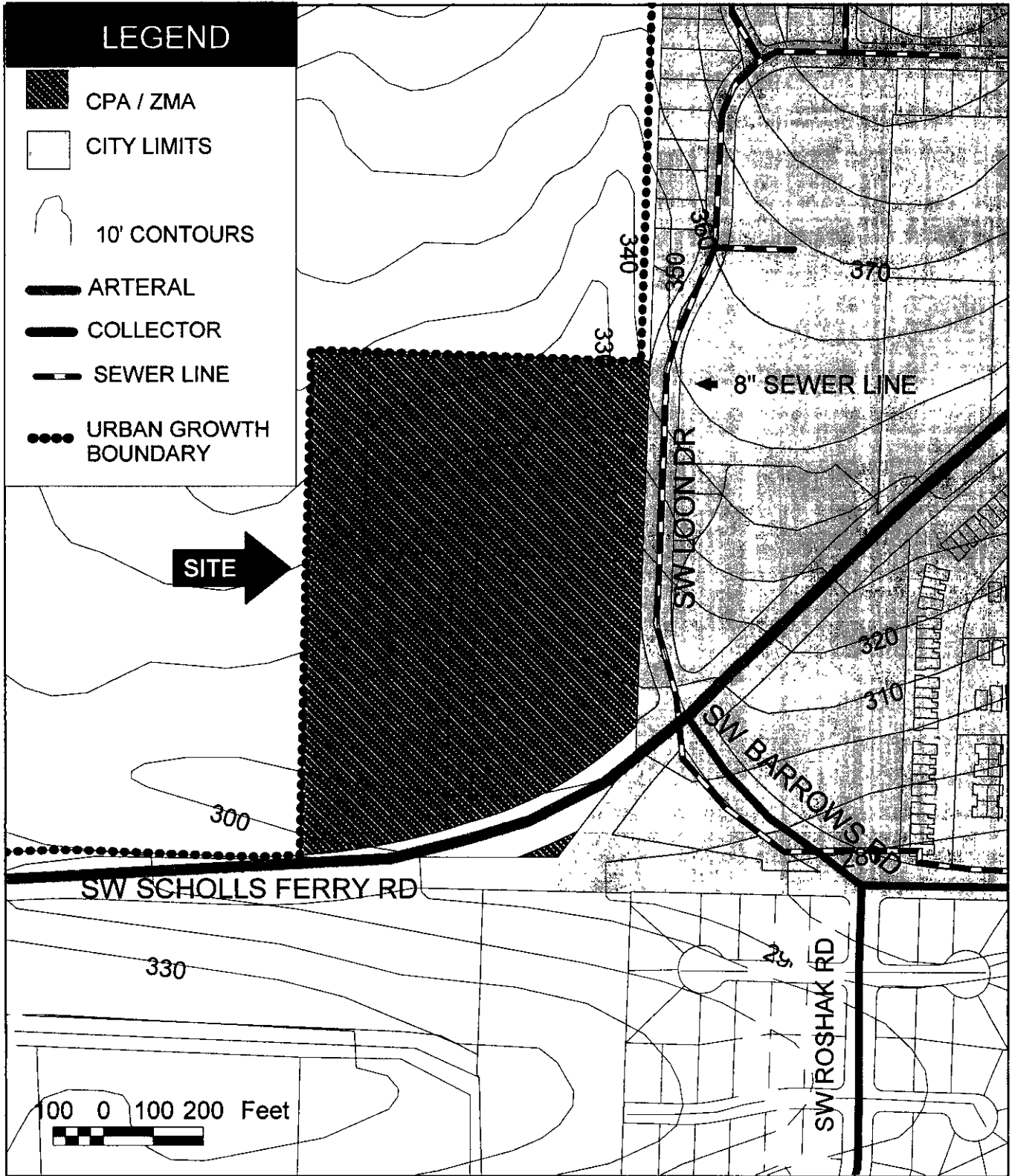
Application #

ANX 2005-0009



041

EXHIBIT "B"



CITY OF BEAVERTON

CPA 2005-0006 / ZMA 2005-0007 SANITARY SEWER LINES

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

10/17/05

Map #
2S1060000102
2S1060000101
2S1060000105

Application #

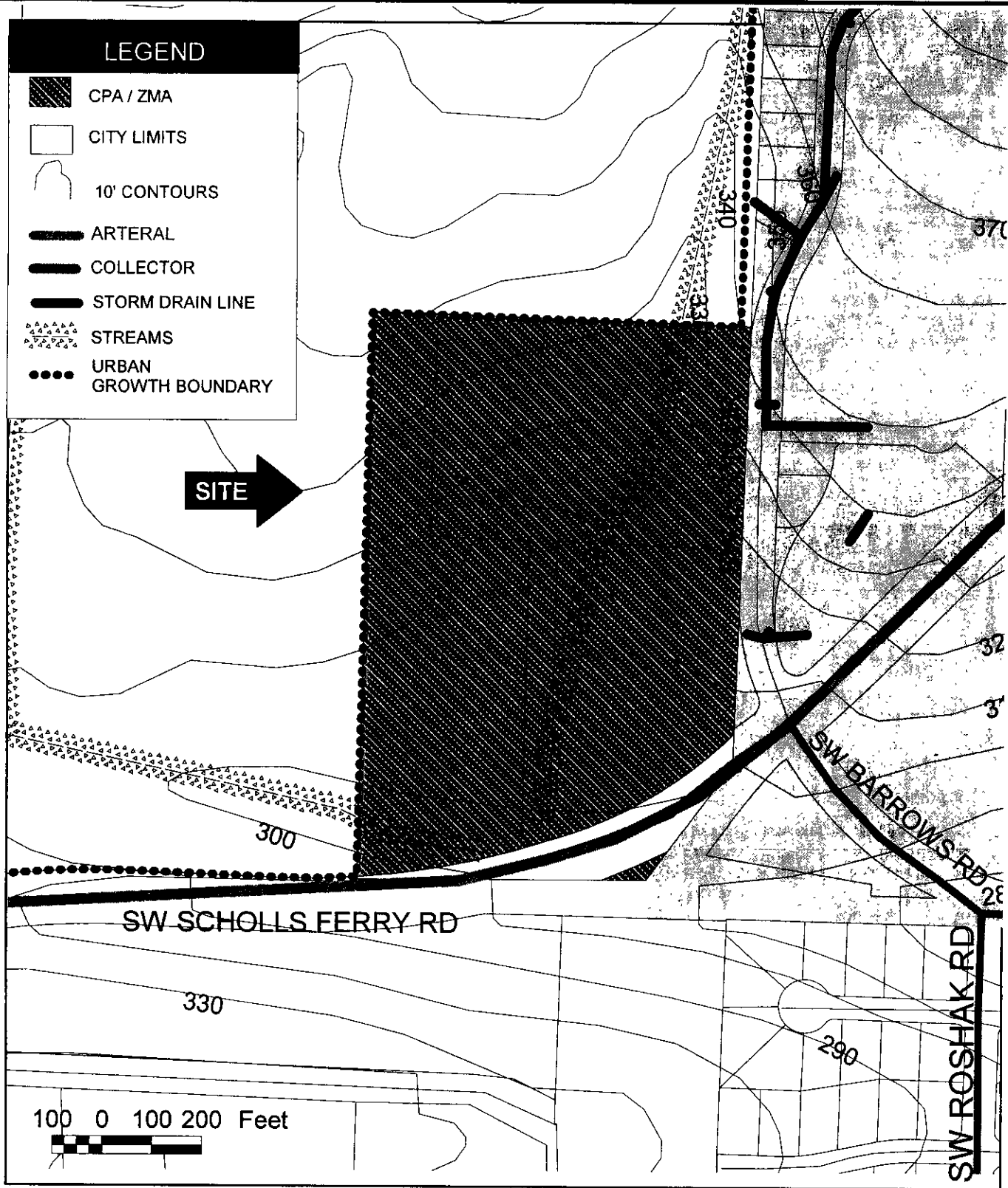
ANX 2005-0009

N



042

EXHIBIT "C"



CITY OF BEAVERTON

CPA 2005-0006 / ZMA2005-0007 STORM DRAINAGE

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

10/17/05

Map #

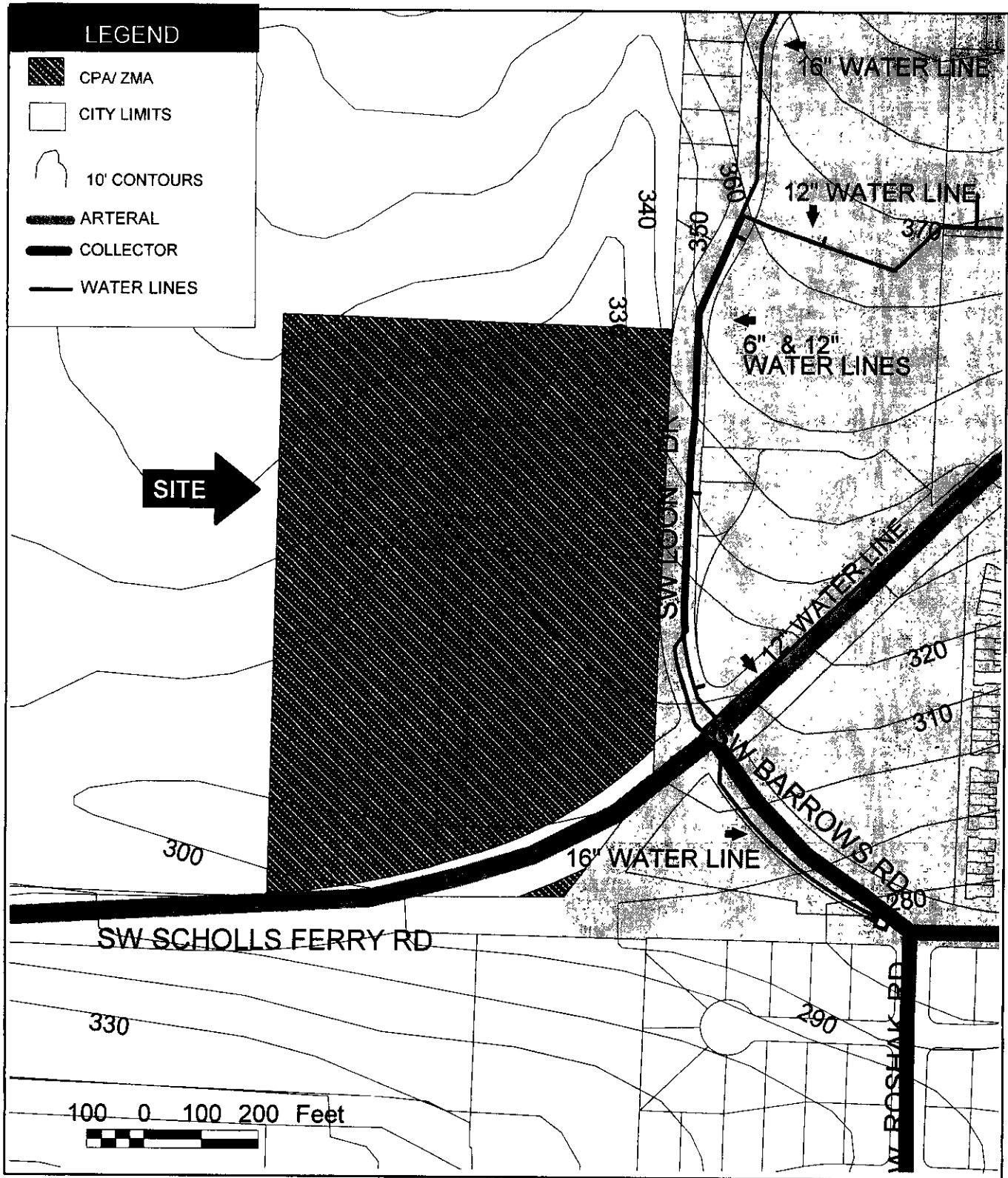
2S1060000102
2S1060000101
2S1060000105

Application #

ANX 2005-0009



EXHIBIT "D"



CITY OF BEAVERTON

CPA 2005-0006 / ZMA2005-0007 WATER LINES

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Services Division

10/17/05

Map #

2S1060000102
2S1060000101
2S1060000105

Application #

ANX 2005-0009

N



January 5, 2006

Project: OR05.085.T01 Loon-Scholls Rezone

Ms. Margaret Middleton
City of Beaverton
P.O. Box 4755
4755 SW Griffith Drive
Beaverton, OR 97076-4755

01-09-06 A08:43 IN

SUBJECT: Traffic Analysis for the Proposed Rezone of a 13.5-acre parcel within the City's Urban Growth Boundary at the northwest corner of SW Scholls Ferry Road and SW Loon Drive, from FD-20 (current County zoning) to City of Beaverton R-4 Residential Zoning (4,000 GSF/home)

Dear Margaret:

Based on your request, CTS Engineers has analyzed the potential traffic impacts of rezoning a 13.5-acre at the northwest quadrant of the SW Scholls Ferry Road/SW Loon Drive-SW Barrows Road intersection, in the southwest corner of the City (see **Figure 1**). The parcel is presently within the City's Urban Growth Boundary (UGB), but outside the City limits. It is zoned as Future Development 20-Acre District (FD-20), which is Washington County's zoning designation for County lands that are intended to be brought into a city's UGB. With annexation into the City, it would be rezoned to R-4, which allows one residential unit per 4,000 gross square feet.

Under the R-4 zone, maximum potential development was calculated to be about 94 housing units. This was determined by applying a typical conversion factor of 0.8 to the net developable area of 10.86 acres determined by City staff to account for internal streets, utilities and other public functions. We assumed the entire site would be redeveloped and that the existing agricultural use on the site generates negligible peak hour trips.

This traffic analysis includes an assessment of existing peak hour traffic conditions and future 2020 conditions, both without any new development on the site and with full buildout of the maximum 94-unit development potential. Based on the results of this analysis, it is concluded that the proposed rezone to R-4 can be approved without adversely affecting the traffic operations or safety characteristics of the adjacent street system. Specific findings of this study are as follows:

- Full buildout of the estimated maximum capacity of the site with 94 single-family homes could generate about 900 daily trips, including 71 during the AM peak hour and 95 during the PM peak hour. Because the City's Transportation System Plan (TSP) does not include any additional future development in the traffic analysis zone that includes this parcel, the maximum buildout of 94 homes was assumed to be new development.
- Three intersections were analyzed in detail: SW Barrows Road-SW Loon Drive/SW Scholls Ferry Road, SW Barrows Road/SW Roshak Road, and SW Barrows Road/SW 157th Street. All three intersections operate acceptably with existing peak hour traffic volumes, based on intersection operations standards in the City's Development Code.
- An analysis of future conditions was conducted to compare projected 2020 peak hour operations with and without any new development on the rezone site. The intersections analyzed will continue to operate acceptably in 2020 with maximum buildout plus other background traffic growth projected in the City's TSP and the roadway network improvement included in the TSP Preferred Alternative.

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- Any off-site improvements needed to accommodate site-generated traffic would be driven by the proposed access location. A connection to SW Scholls Ferry Road is expected to be permitted by 2020 once the SW Roy Rogers Road/SW 175th Avenue realignment is in place. An eastbound left-turn lane would be required for a new unsignalized access onto SW Scholls Ferry Road.

The following report documents the study's methodology, results, and major findings.

PROPOSED DEVELOPMENT

Figure 1 shows the site area and vicinity map. No specific development plans were analyzed; instead, potential site buildout was analyzed based on information provided by the City on total buildable area. The parcel contains a total of 13.5 acres. There are two streams running through the property which would each require a non-developable setback from each side of the stream. Based on data provided by City staff, the riparian corridor setback reduces the site's total buildable area by 2.64 acres to 10.86 acres. A standard net buildable area conversion factor of 0.80 was applied to this acreage to account for internal roadways and utility easements, resulting in a total buildable area of 8.69 acres ($10.86 \times 0.80 = 8.69$). To calculate the maximum number of homes, the net buildable area was divided by 4,000 gross square feet per residential unit ($(8.69 \text{ acres} \times 43,560 \text{ square feet/acre}) / (4,000 \text{ square feet/unit})$), which results in a total of 94 units. A minimum density of 76 houses would also apply, but the traffic study will focus on the worst case maximum development.

STUDY SCOPE

The City of Beaverton's requirements for traffic impact studies are included in Section 60.55.20 of the Development Code. Based on a guidance document published by the City's Engineering Division, the minimum study area for a traffic impact study is defined as all intersections of regional significance (arterials, collectors, and neighborhood routes) within 1,000 linear feet from all points of access onto the public street system, and all intersections where the traffic generated by the proposed development exceeds five percent of existing AM or PM peak hour total intersection traffic volumes.

Analysis of traffic volumes is required for existing conditions, the buildout year and the long-range forecast year. This study included analysis of 2005 and 2020 conditions for existing conditions and the long-range forecast year. At this stage, there is no specific development proposal or site plan. An application for site development would require a traffic analysis including a near-term analysis of the project buildout year. Based on these guidelines, this study includes analysis of three intersections:

- SW Barrows Road-SW Loon Drive/SW Scholls Ferry Road
- SW Barrows Road/SW Roshak Road
- SW Barrows Road/SW 157th Street

AREA CONDITIONS

Study Area Land Uses

The site is mostly vacant, with the only use a dog kennel facility. Surrounding land uses are predominately residential, including single family detached housing to the north, south and east. The eastern border of the site coincides with the City's current city limits. The southwest and southeast corners of the SW Barrows Road-SW Loon Drive/SW Scholls Ferry Road intersection are undeveloped pads zoned for office/commercial use, and there is a new development of higher density rowhouses/townhomes slightly beyond the southeast corner of the intersection. The Scholls Heights Elementary school is located less than ¼ mile north of the site on SW Loon Road.

Pedestrian and Bicycling Considerations

There are sidewalks along both sides of SW Loon Drive, SW Roshak Road, SW 157th Avenue and SW Barrows Road. Sidewalks also exist on both sides of SW Scholls Ferry Road east of SW Loon Drive. The intersection volume counts show few pedestrians, with 5 to 10 bicycles during the peak hour.

Site Accessibility

Area Roadway System

Figure 2 shows the location of the proposed zone change and the surrounding roadway network.

Table 1 summarizes the characteristics of the main roadways serving the study area.

Table 1: Summary of Study Area Roadway Characteristics

Street Name	Road Class	Width (Feet)	Posted Speed (mph)	Sidewalks	Bike Lane	On-Street Parking
SW Scholls Ferry Road (east of site)	Arterial	51	40	Both sides	No	No
SW Scholls Ferry Road (west of site)	Arterial	38	40	No	No	No
SW Barrows Road	Collector	40	45	East side only	No	No
SW Loon Drive	Local	40	*20/25	Both sides	No	No
SW Roshak Road	Collector**	32	25	Both sides	No	Yes
SW 157 th Avenue (north of SW Barrows Road)	Neighborhood Route	30	25	Both sides	No	Yes
SW 157 th Avenue (south of SW Barrows Road)	Local**	36	25	Both sides	No	Yes

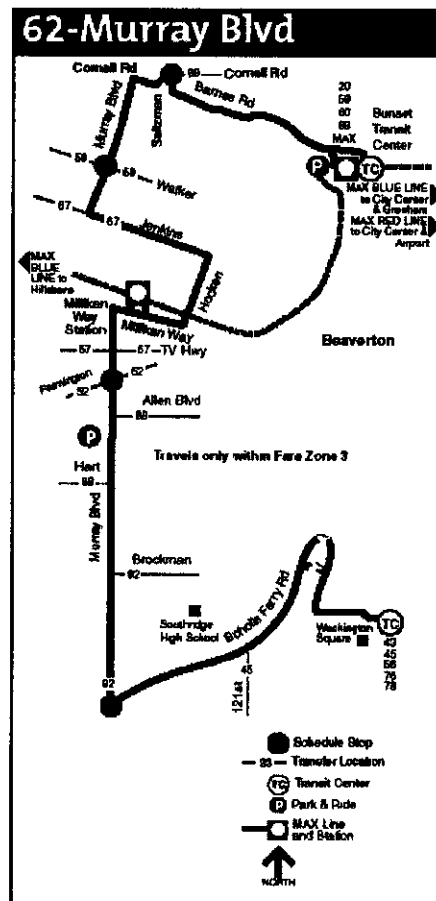
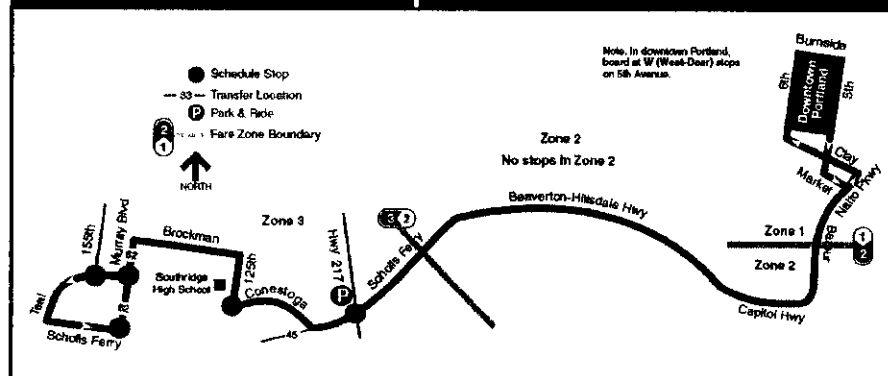
*20 mph school zone at all times posted just north of SW Scholls Ferry Road.

** Functional Classification designated in Washington County's 2020 Transportation Plan. Roadway is located outside the City of Beaverton City Limits/UGB.

Transit Considerations

Tri-Met operates two bus routes in the site vicinity: No. 62 Murray Blvd., and No. 92 South Beaverton Express. Regular weekday transit service is provided by bus route 62, with the nearest stop about 1.4 miles from the site at SW Murray Boulevard/SW Scholls Ferry Road. Route 92 runs from Washington Square along SW Murray Boulevard to the Millikan Way MAX Station, continuing along Cornell Road/Barnes Road north of the Sunset Highway to the Sunset Transit Center. Weekend service approximately every half-hour is provided from 7:00 AM to 10:30 PM. Route 92 provides weekday commute period express service between the Murray Hill area and downtown Portland, stopping every 20-25 minutes about one mile from the site at SW Teal Boulevard/SW Scholls Ferry Road from 5:30 AM to 10:45 PM. Service into downtown Portland is provided from 5:37 to 8:15 AM, with service out of downtown from 4:24 to 7:00 PM.

92-South Beaverton Express



Existing Traffic Volumes and Peak Hour Operations

Traffic Volumes

A reconnaissance of the site and its vicinity was conducted. The City of Beaverton provided weekday peak hour traffic counts conducted during March 2005, which are shown in **Figure 3**. Traffic volumes greater than 25 were rounded upward to the nearest five vehicles. These data revealed that in the immediate vicinity of the project site, the morning peak hour typically occurs between 7:00-8:00 AM, and the afternoon peak hour occurs between 5:00-6:00 PM. This study considered traffic conditions during weekday AM and PM peak hours, which represent reasonable "worst case" traffic conditions within the study area that also correspond with the periods of peak trip generation for residential development.

Peak Hour Traffic Operations

Traffic conditions at the three key intersections in the study area were analyzed during both AM and PM peak hours. Intersection operational analyses were conducted using the procedures in the **2000 Highway Capacity Manual (HCM)** for evaluating signalized and unsignalized intersections, which describe the traffic operations of an intersection in terms of its Level of Service (LOS). For unsignalized intersections, the LOS is stated relative to the most critical intersection approach or maneuver, typically the left turn from the minor street approach. For signalized intersections, the LOS is a function of the average vehicle delay that vehicles experience on all approaches. The LOS criteria are stated as a letter grade, ranging from "A," indicating little or no delay, to "F," indicating that drivers experience long delays. The LOS worksheets for results presented in this study are attached as an *Appendix* to this report.

The City of Beaverton has adopted specific performance standards for signalized and unsignalized intersection operations. The City's intersection performance criteria rely on the volume-to-capacity ratio (V/C ratio) and average control delay instead of LOS. The City requires the impact of development on signalized intersections to be mitigated such that peak hour average control delay is no greater than 65 seconds per vehicle, and that the volume-to-capacity ratio (V/C ratio) for all lane groups is no greater than 0.98. For unsignalized intersections, the corresponding threshold is peak hour average control delay of 45 seconds per vehicle.

Table 2 shows the calculated existing performance of the intersections selected for analysis based on the peak hour traffic volumes shown in **Figure 3**. All three intersections analyzed currently operate below the City's maximum allowable operational thresholds. At the SW Scholls Ferry Road/SW Barrows Road-SW Loon Road intersection, peak hour queues are typically several hundred feet along SW Scholls Ferry Road westbound during the PM peak hour and eastbound during the AM peak hour. These vehicle queues clear the intersection without compromising intersection operations. SW Scholls Ferry Road has a 600-foot access spacing standard. There are no existing accesses within the intersection influence area except for the existing access to the proposed rezone site. At the two unsignalized intersections along SW Barrows Road, queues do not exceed four vehicles on the minor approach.

Table 2: Existing 2005 Peak Hour Intersection Performance

Intersection	AM Peak Hour			PM Peak Hour		
	Signalized Intersection					
	Avg Vehicle Delay (Sec/Veh)	V/C Ratio	LOS	Avg Vehicle Delay (Sec/Veh)	V/C Ratio	LOS
SW Scholls Ferry Road/ SW Barrows Road-SW Loon Drive	22.7	0.74	C	20.7	0.70	C
	Minor Street Stop Control					
SW Barrows Road/SW Roshak Road Critical Leg: NB Approach	28.0	0.43	D	15.8	0.17	C
SW Barrows Road/SW 157 th Avenue Critical Leg: SB Approach	31.0	0.33	D	21.7	0.13	C

Traffic Safety

Collision records for the most recent three years of available data (Jan. 2002 to Dec. 2004) were obtained from the City of Beaverton for the key roadways and intersections near the proposed rezone. These records were analyzed to determine if traffic safety problems exist in the study area. **Figure 4** shows the location and type of reported incidents, which is also summarized in **Table 3**.

Table 3: 2002 to 2004 Crash History Data in the Vicinity of Development

Intersection	Reported Crashes	PDO/ Injury	Crash Type
SW Scholls Ferry Road/ SW Barrows Road-SW Loon Drive	18	8/10	RE = 14, Angle = 1, Turn = 3
SW Barrows Road/ SW Roshak Road	0	0	n/a
SW Barrows Road/ SW 157th Avenue	1	0/1	RE = 1
SW Scholls Ferry Road/ SW 175th Avenue	4	1/3	RE = 1, Angle = 1, Other = 2 (animal)
SW Scholls Ferry Road/ SW Roy Rogers Road	3	1/2	RE = 1, Angle = 2
SW Scholls Ferry Road/ SW Teal Boulevard	4	1/3	RE = 2, Angle = 2

RE = rear-end collision.

The intersection of SW Scholls Ferry Road/SW Barrows Road-SW Loon Drive is ranked 64th on the most recent County SPIS list, with a crash rate of 0.78 per million entering vehicles. (A crash rate of 0.91 per million entering vehicles was calculated with the data collected for this traffic study). The SPIS (Safety Priority Index System) is a list of intersections in the County with the highest crash rates. Even so, the crash experience of this intersection is within tolerable levels because intersection crash rates above 1.00 are typically used to identify candidates for further investigation and potential safety improvements.

Intersection Sight Distances

Sight distance was evaluated along SW Barrow Road between SW Scholls Ferry Road and SW 157th Avenue. Photos of the three intersections in this segment are in the *Appendix* of this report. Sight distance criteria for the City of Beaverton use the principles and methods for intersection and driveway sight distance recommended by **AASHTO in "A Policy on Geometric Design of Highways and Streets."** This standard specifies a minimum of 385 feet of intersection sight distance for drivers turning onto a street with a 40 mph posted speed (the posted speed on SW Scholls Ferry Road) and 430 feet of intersection sight distance for turns onto a street with a 45 mph posted speed (the posted speed on SW Barrows Road). Based on inspection, there are no constraints to sight distance along SW Barrows Road at any of the study area intersections. A more detailed sight distance evaluation will be conducted as part of the traffic study for an actual development proposal for the rezone site.

Based on this information and the area, there do not appear to be any traffic safety problems in the immediate vicinity of the site that the applicant needs to address.

TRAFFIC IMPACT ANALYSIS

The impact of traffic generated by a potential worst-case buildout of the proposed rezone of the Loon-Scholls parcel on the surrounding street system during the critical weekday peak hours was analyzed as follows:

- A 2020 background scenario was developed based on the 2020 base PM peak hour volumes in the City of Beaverton TSP. The nearest intersection analyzed in the TSP is SW Scholls Ferry Road/SW Murray Boulevard. Approach/departure volumes for the west leg of this intersection were used to estimate the incremental increase in traffic on SW Scholls Ferry Road, as described below. Projected 2020 PM peak hour volumes were estimated for the SW Scholls Ferry Road/SW Barrow Road-SW Loon Drive minor street approaches and for both the SW Barrow Road intersections by applying a one percent annual growth factor. (These locations were **not** analyzed in the City's TSP). AM peak hour turning movements were estimated by reversing the PM peak hour movement (e.g., the northbound right turn during the evening peak hour was assumed to represent the westbound left turn during the morning peak hour).
- A potential worst-case trip generation scenario was developed for the proposed R-4 zoning, and the resulting trips generated were added to the 2020 peak hour base volumes. To ensure a conservative analysis and be consistent with the TSP, no additional development was assumed under the existing FD-20 zoning. (This is consistent with the City TSP, which assumed no additional development in the traffic analysis zone that includes the proposed rezone site).
- Existing traffic volumes on the roadways surrounding the site and the site's proximity to major roadways were evaluated to estimate the trip distribution patterns in the study area.
- Future 2020 peak hour operations at key intersections in the study area were analyzed assuming maximum buildout of the site under the proposed rezone.

Future 2020 Background Traffic Volumes

This traffic analysis focuses on the potential traffic impacts resulting from "worst-case" development at the density allowed by the proposed zone change. As there is no specific site development plan at this time, all analysis is based on the City TSP horizon year of 2020. Assuming the proposed rezone is approved, a traffic analysis conducted to support an application for development would address near-term traffic conditions and also account for traffic generated by other approved development.

To assess potential impacts of the proposed zone change, we first estimated background 2020 conditions assuming development throughout the rest of the City, but with no development on the proposed rezone parcel (i.e., no additional development was assumed under the existing Washington County FD-20 zone). The nearest intersection analyzed in the TSP is SW Scholls Ferry Road/SW Murray Boulevard. PM peak hour link volumes from the west leg of the intersection were used to estimate future background 2020 link volumes along SW Scholls Ferry Road. Since the base year for the TSP is 2000 and traffic counts for this study were taken in 2005, 75% of the 2000-2020 TSP incremental increase was used to estimate future 2020 volumes on SW Scholls Ferry Road. For the minor street movements and all movements on the two SW Barrows Road intersections, a 1.0 percent annual growth rate was applied to the counted 2005 peak hour volumes, corresponding to 15 percent growth from 2005 to 2020.

The City's TSP analyzes PM peak hour conditions. To analyze 2020 AM peak hour conditions we reversed the PM peak hour turning movements. No adjustment factor was applied because the total entering volume at SW Scholls Ferry Road/SW Loon Drive-SW Barrows Road is the same in the AM and PM peak hours. The resulting 2020 background peak hour traffic volumes are shown in **Figure 5**.

Capacity analyses of these background 2020 volumes were performed. Results are shown in **Table 4**. Improvements identified in the TSP Preferred Alternative were assumed to be in place. For the study area, these 2020 TSP improvements included:

- A five-lane cross-section on SW Scholls Ferry Road east of SW Barrows Road-SW Loon Drive (two through-lanes in each direction with left turn lanes at major intersections).
- Separate right turn, left turn and through-lanes for the southbound approach at the SW Scholls Ferry Road/SW Loon Drive-SW Barrows Road intersection.

Results of the 2020 future background analysis indicate that traffic operations at all of the study area intersections will degrade compared to existing conditions, but with programmed improvements will continue to meet City operational standards. The intersection of SW Scholls Ferry Road/SW Loon Drive-SW Barrows Road is projected to operate with a V/C ratio of 0.81 for 2020 AM peak hour conditions, with average control delay of 25.8 seconds and a V/C ratio of 0.66 in the PM peak hour. At the other two intersections analyzed on SW Barrows Road, V/C ratios and average vehicle delays will increase by 2020 in both peak periods but will continue to meet City standards. It should be noted that the City intentionally applies multiple measures to evaluate the performance of unsignalized intersections because at two-way stop-controlled intersections in particular, an unsatisfactory performance measure does not necessarily equate to unsatisfactory intersection operations. As noted in the **2000 Highway Capacity Manual**, "in evaluating the overall performance of TWSC intersections (two-way stop control) it is important to consider measures of effectiveness in addition to delay, such as v/c ratios for individual movements, average queue lengths, and 95th percentile queue lengths." As an example, the average morning peak hour delay for the critical southbound approach at the SW Barrows Road/SW 157th Avenue intersection approaches the City's maximum delay for unsignalized intersections, but for the same movement the v/c ratio is well below the maximum allowed.

Table 4: 2020 Levels of Service with TSP Preferred Alternative Improvements (No Rezone)

Intersection	AM Peak Hour			PM Peak Hour		
	Signalized Intersection					
	Avg Vehicle Delay (Sec/Veh)	V/C Ratio	LOS	Avg Vehicle Delay (Sec/Veh)	V/C Ratio	LOS
SW Scholls Ferry Road/ SW Barrows Road-SW Loon Drive	25.8	0.81	C	22.6	0.66	C
	Minor Street Stop Control					
SW Barrows Road/SW Roshak Road Critical Leg: NB Approach	38.6	0.53	E	18.2	0.22	C
SW Barrows Road/SW 157 th Avenue Critical Leg: SB Approach	42.7	0.45	E	27.2	0.18	D

Potential Site-Generated Traffic Volumes

A maximum development scenario was prepared based on the City's estimate that 10.86 of the total 13.5 acres is buildable land, with the remaining area non-developable due to two stream corridors running through the site. A typical approach to estimate **net** buildable area in residential zones is to reduce the gross area by 20% to account for utilities, streets, landscaping, etc. This 20% reduction factor was applied to the 10.86 acres of gross buildable area, resulting in a net buildable area of 8.69 acres. Maximum buildout is equal to 94 homes with these assumptions and the proposed rezone to R-4 with a minimum lot size of 4,000 square feet: ((8.69 acres x 43,560 square feet/acre) / (4,000 square feet/housing unit)).

Vehicle trip generation with maximum buildout under the proposed R-4 zoning was estimated using standard rates from **ITE Trip Generation (7th Edition)** for single-family detached residential development (Land Use Code 210). Trip rates in this ITE Publication are based on empirical observations performed on many similar developments located throughout the United States. As shown in **Table 5**, based on these rates, it is estimated that maximum development under the proposed rezone to R-4 could generate approximately 900 vehicle trips on the adjacent roadway system during a typical weekday, including 71 vehicle trips during the AM peak hour and 95 trips during the PM peak hour.

Table 5: Comparative Weekday Trip Generation for Loon Drive/Scholls Ferry Rd. Rezone

Zoning/Land Use Scenario	Daily Trips	AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out
Proposed R-4/94 Single Family Homes	900	71	18	53	95	60	35

Distribution and Assignment of Site Generated Traffic

Trips were distributed and assigned to the roadway system based on existing travel patterns and land uses in the area. To estimate travel patterns throughout the study area, we analyzed recent traffic volumes shown in **Figure 3**. **Figure 6** shows the trip distribution estimated from these traffic counts and the assignment of vehicle trips to the surrounding roadway network. It was estimated that about 35 percent of site-generated traffic would use SW Scholls Ferry Road in each direction from the site, about 25 percent would use SW Barrow Road, and about five percent would travel to and from the neighborhood to the north. **Figure 1** shows the site area and vicinity map. The site presently is accessible only via SW Scholls Ferry Road. Based on discussion with City staff, any development under the proposed R-4 zone would be expected to access SW Loon Drive until such time that SW 175th Avenue is realigned to create a four-legged intersection with SW Scholls Ferry Road-SW Roy Rogers Road, as recommended in Appendix B-1 of the Washington County 2020 TSP. With realignment of SW 175th Avenue, the access spacing along this section of SW Scholls Ferry Road would be improved and direct access to SW Scholls Ferry from the proposed R-4 rezone site would be allowed. This traffic analysis only considers long-range 2020 future conditions and it is uncertain when a development application will be submitted in relation to the planned SW 175th Avenue realignment. For these reasons, it was assumed that the site would have two accesses to the public street system, one onto SW Loon Drive and one onto SW Scholls Ferry Road. A SW Loon Drive access with access via the existing traffic signal at SW Loon Drive/SW Scholls Ferry Road would likely serve most traffic to and from the east. An access directly onto SW Scholls Ferry Road would likely serve most traffic to and from the west.

Total Future 2020 Traffic Volumes and Levels of Service

Total future 2020 peak hour traffic volumes were estimated by adding the future 2020 background traffic volumes displayed in **Figure 5** to the volumes shown in **Figure 6** that would be generated by buildout of the proposed rezone. The resulting total future 2020 volumes are shown in **Figure 7**. **Table 6** summarizes the results of the intersection LOS analysis for total future 2020 build-out conditions. The study area intersection improvements in the TSP Preferred Alternative listed earlier that were assumed for the analysis of background 2020 conditions were also assumed to be in place for the analysis of 2020 total traffic conditions.

Table 6: 2020 Levels of Service with Additional Traffic from Proposed Rezone

Intersection	AM Peak Hour			PM Peak Hour		
	Signalized Intersection					
	Avg Vehicle Delay (Sec/Veh)	V/C Ratio	LOS	Avg Vehicle Delay (Sec/Veh)	V/C Ratio	LOS
SW Scholls Ferry Road/ SW Barrows Road-SW Loon Drive	27.1	0.82	C	23.1	0.67	C
	Minor Street Stop Control					
SW Barrows Road/SW Roshak Road Critical Leg: NB Approach	41.1	0.54	E	18.8	0.23	C
SW Barrows Road/SW 157 th Avenue Critical Leg: SB Approach	45.1	0.46	E	28.4	0.19	D

Slight increases in peak hour V/C ratios and average vehicle delay are expected as compared to 2020 background conditions, but the three intersections analyzed in detail would continue to meet City V/C standards with maximum development under the proposed R-4 rezone. At SW Barrows Road/SW 157th Avenue, the 2020 AM peak hour average vehicle delay is 0.1 seconds above the maximum allowed under the City development code. No intersection improvements are warranted or recommended due to the low volumes affected (the v/c ratio for the critical movement is well below the City's threshold).

For completeness, we evaluated the need for a northbound left turn lane on SW Loon Drive under the 2020 total traffic assumptions using AASHTO left turn lane criteria. As shown in **Table 7**, this location **does not** meet the criteria for requiring a separate left turn lane. A future access onto SW Scholls Ferry Road **would** require an eastbound left turn lane, which could be provided in the existing center median along the site's SW Scholls Ferry Road frontage.

Table 7: Results of Left Turn Warrant Analyses under Future 2020 Proposed Rezone Volume Conditions

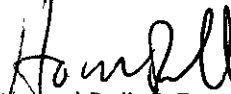
Intersection	Future 2020 PM Peak Hour			AASHTO Criteria	
	Opposing Volume	Advancing Volume	Left Turns	Required Advancing Volume	Warrant Met?
Eastbound SW Scholls Ferry Road (at Urban Growth Boundary)	1,474	1,140	21 (2%)	< 300	Yes
Northbound SW Loon Drive (at Rezone Site Access)	25	73	36 (5%)	-	No

CONCLUSIONS

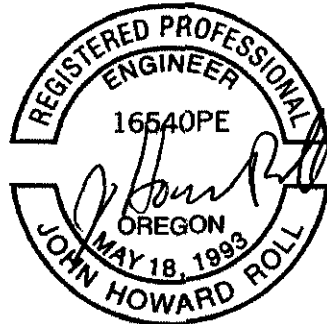
Based on the results of the analysis described in this letter, it is concluded that the proposed rezone to R-4 can be constructed without significantly adversely affecting traffic operations or safety in the site vicinity. No specific off-site roadway improvements are recommended to accommodate this rezone or mitigate its impact; however, a detailed traffic study of conditions of a proposed development should be conducted to evaluate near-term traffic conditions with the proposed site plan.

If there are any questions related to the data or analysis contained in this report, please contact me directly at (503) 690-8080, ext. 1365.

Sincerely,


Howard Roll, P.E.
Transportation Engineer

Attachments



EXPIRATION DATE: 12-31-06

AGENDA BILL

Beaverton City Council
Beaverton, Oregon


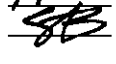
SUBJECT: TA 2006-0004 (2006 Omnibus)

FOR AGENDA OF: 06-19-06 **BILL NO:** 06117

Mayor's Approval: 

DEPARTMENT OF ORIGIN: CDD 

DATE SUBMITTED: 6-08-06

CLEARANCES: City Attorney 
Dev. Serv. 

PROCEEDING: First Reading

EXHIBITS:

1. Ordinance
2. Land Use Order No. 1870
3. Draft PC Minutes dated 05-31-06
4. Memo dated May 31, 2006
5. Staff Report dated 05-24-06

BUDGET IMPACT

EXPENDITURE REQUIRED\$0	AMOUNT BUDGETED\$0	APPROPRIATION REQUIRED \$0
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HISTORICAL PERSPECTIVE:

On May 31, 2006, the Planning Commission held a public hearing to consider TA 2006-0004 (2006 Omnibus) that proposes to amend selected sections of the Beaverton Development Code currently effective through Ordinance 4295 (Nov. 2005) to clarify approval criteria, specify the applicability of certain regulations, renumber and reorder certain regulations, relocate certain sections, and remove certain sections. Affected chapters of the Development Code include, Chapter 10 (General Provisions), Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions). At the recommendation of the Planning Commission the wording of Sections 6, 13, and 18 were slightly modified to improve the intent of each of the sections. Following the close of the public hearing on May 31, 2006, the Planning Commission voted 6-0 (Johansen absent) to recommend approval of the proposed Omnibus Text Amendment, as memorialized in Land Use Order No. 1870.

INFORMATION FOR CONSIDERATION:

Attached to this Agenda Bill is an Ordinance including the proposed text, Land Use Order No. 1870, the draft Planning Commission meeting minutes, staff report and memo.

RECOMMENDED ACTION:

Staff recommend the City Council approve the recommendation of the Planning Commission for TA 2006-0004 (2006 Omnibus) as set forth in Land Use Order No. 1870. Staff further recommends the Council conduct a First Reading of the attached ordinance.

ORDINANCE NO. 4397

AN ORDINANCE AMENDING ORDINANCE NO. 2050,
THE DEVELOPMENT CODE, CHAPTERS:
10, 20, 40, 50, 60, and 90;
TA 2006-0004 (2006 Omnibus).

WHEREAS, the purpose of the 2006 Omnibus Development Code Text Amendment is to amend selected sections of the Beaverton Development Code currently effective through Ordinance 4382 (November 2005) to clarify approval criteria, specify the applicability of certain regulations, renumber and reorder certain regulations, relocate certain sections, and remove certain sections. Affected chapters of the Development Code include, Chapter 10 (General Provisions), Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions),

WHEREAS, pursuant to Section 50.50.5 of the Development Code, the Beaverton Development Services Division, on May 24, 2006 published a written staff report and recommendation a minimum of seven (7) calendar days in advance of the scheduled public hearing before the Planning Commission on May 31, 2006; and,

WHEREAS, the Planning Commission held a public hearing on May 31, 2006, and approved the proposed 2006 Omnibus Development Code Text Amendment based upon the criteria, facts, and findings set forth in the staff report dated May 31, 2006, staff memo dated May 31, and as amended at the hearing; and

WHEREAS, on May 31, 2006, the Planning Commission conducted a public hearing for TA 2006-0004 (2006 Omnibus) at the conclusion of which the Planning Commission voted to recommend to the Beaverton City Council to adopt the proposed amendments to the Development Code as summarized in Planning Commission Land Use Order No. 1870; and,

WHEREAS, no written appeal pursuant to Section 50.75 of the Development Code was filed by persons of record for TA 2006-0004 (2006 Omnibus) following the issuance of the Planning Commission Land Use Order No. 1870; and,

WHEREAS, the City Council adopts as to criteria, facts, and findings, described in Land Use Order No. 1870 dated June 8, 2006 and the Planning Commission record, all of which the Council incorporates by this reference and finds to constitute an adequate factual basis for this ordinance; and now therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. Ordinance No. 2050, effective through Ordinance No. 4295, the Development Code, is amended to read as set out in Exhibit "A" of this Ordinance attached hereto and incorporated herein by this reference.

Section 2. All Development Code provisions adopted prior to this Ordinance which are not expressly amended or replaced herein shall remain in full force and effect.

Section 3. Severance Clause. The invalidity or lack of enforceability of any terms or provisions of this Ordinance or any appendix or part thereof shall not impair or otherwise affect in any manner the validity, enforceability or effect of the remaining terms of this Ordinance and appendices and said remaining terms and provisions shall be construed and enforced in such a manner as to effect the evident intent and purposes taken as a whole insofar as reasonably possible under all of the relevant circumstances and facts.

First reading this ___ day of _____, 2006.

Passed by the Council this ___ day of _____, 2006.

Approved by the Mayor this ___ day of _____, 2006.

ATTEST:

APPROVED:

SUE NELSON, City Recorder

ROB DRAKE, Mayor

Section 1: The Development Code, Ordinance No. 2050, Chapter 10, General Provisions, Section 10.40. shall be amended to read as follows:

10.40 Annexations

2. The City may consider the zoning for any area proposed for annexation at the same time as it considers annexation of the area or at a later time. ~~The notice and hearing procedures shall be as set forth in Section 50.45 (Type 3) of this Code.~~ The zoning decision shall not be a final decision for the purposes of judicial review until the date that the question of annexation has received all approvals required by City and State law and has become effective. [ORD 4135; November 2000] [ORD 4224; August 2002]

3. [ORD 4135; November 2000] The process for zoning map amendments that are associated with annexations shall be as follows:

B. For parcels where the UPAA does not identify a specific City zoning designation and discretion is required, a public hearing shall be held pursuant to Section 40.97.15.4 (Discretionary Annexation Related Zone Change) of this Code. The Planning Commission will conduct the public hearing on the zoning change unless State law requires the City Council to hold a public hearing on the related annexation in which case the zoning map amendment hearing will be conducted concurrently by the City Council and the Planning Commission hearing ~~will~~ **may** not be required. The most similar City zoning designation will be applied as required by the UPAA. [ORD 4224; August 2002]

Exhibit A

Section 2: The Development Code, Ordinance No. 2050, Chapter 20 – Land Uses, Sections 20.05.15.2.B. and 20.05.20.2.B., will be amended as follows:

20.05 Residential Land Use Districts

20.05.15. Urban Standard Density (R7) District

2. District Standards and Uses

B. Conditional Uses:

~~13. Two attached dwellings, only in the Beaverton Regional Center area shown on Figure III-1 in the Comprehensive Plan (ORD 3236) (See also Special Regulations Section.) [ORD 4224; August 2002] [ORD 4365; September 2005]~~

Subsequently listed Conditional Uses will be renumbered to reflect the deletion of Conditional Use number 13.

20.05.20. Urban Standard Density (R5) District

2. District Standards and Uses

B. Conditional Uses:

~~13. Two attached dwellings, only in the Beaverton Regional Center area shown on Figure III-1 in the Comprehensive Plan (ORD 3236) (See also Special Regulations Section.) [ORD 4224; August 2002] [ORD 4365; September 2005]~~

Subsequently listed Conditional Uses will be renumbered to reflect the deletion of Conditional Use number 13.

Exhibit A

Section 3: The Development Code, Ordinance No. 2050, Chapter 20 – Land Uses, Sections, 20.05.50.2.A., will be amended to read as follows:

20.05.50. Site Development Standards

2. Minimum Lot Dimensions

A. Width

4. ~~Lot width, in the R4 district, lots that take access from on a cul-de-sac, or hammerhead street terminus, or for from a flag lot shall be a minimum of 20 feet. [ORD 4047; May 1999] [ORD 4224; August 2002]~~

5. ~~Notwithstanding Section 60.55.40.1, a~~ A 24 foot lot width is the minimum required for attached dwellings in the R4 district. [ORD 4047; May 1999] [ORD 4224; August 2002]

6. ~~Notwithstanding Section 60.55.40.1, an~~ A 18 foot lot width is the minimum required for attached dwellings in the R2 and R1 zoning districts. [ORD 4112; June 2000] [ORD 4224; August 2002]

Section 4: The Development Code, Ordinance No. 2050, Chapter 20 – Land Uses, Sections 20.10.50.3., will be amended to read as follows:

20.10.50. Site Development Requirements.

3. Minimum Yard Setbacks:

E. Under the conditions outlined in Section 60.05.15.6, buildings in commercial zones located on parcels that exceed 60,000 square feet shall be exempt from Section 20.10.50.3.A, minimum setbacks, and shall have a maximum setback of twenty (20) feet.

Section 5: The Development Code, Ordinance No. 2050, Chapter 20 –
Land Uses, Sections 20.20.50.A.4.D, 20.20.50.B.4.D, 20.20.50.D.4.D, and
20.20.50.E.4.E will be amended to read as follows:

20.20.50. Site Development Requirements

A. Station Areas

4. Building Height:

D. The maximum height for wireless communication facilities inclusive of antennas in all station area zoning districts shall be one hundred (100) feet. The maximum height of at-grade equipment shelters for wireless communication facilities in all ~~industrial~~ multiple-use zoning districts shall be twelve (12) feet. [ORD 4248; April 2003]

B. Station Communities

4. Building Height:

D. The maximum height for wireless communication facilities inclusive of antennas in all station community zoning districts shall be one hundred (100) feet. The maximum height of at-grade equipment shelters for wireless communication facilities in all ~~industrial~~ multiple-use zoning districts shall be twelve (12) feet. [ORD 4248; April 2003]

D. Town Centers

4. Building Height:

D. The maximum height for wireless communication facilities inclusive of antennas in all town center zoning districts shall be one hundred (100) feet. The maximum height of at-grade equipment shelters for wireless communication facilities in all ~~industrial~~ multiple-use zoning districts shall be twelve (12) feet. [ORD 4248; April 2003]

E. Regional Centers

4. Building Height:

E. The maximum height for wireless communication facilities inclusive of antennas in all regional center zoning districts shall be one hundred (100) feet. The maximum height of at-grade equipment shelters for wireless communication facilities in all ~~industrial~~ multiple-use zoning districts shall be twelve (12) feet. [ORD 4248; April 2003]

Exhibit A

Section 6: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.10.15.1.A and 40.10.15.2.A, will be amended to read as follows:

40.10. Adjustment

40.10.10. Applicability.

An Adjustment may be requested only for numerical Site Development Requirements contained in Chapter 20 (Land Uses) or the grading standards contained in Chapter 60 (Special Requirements) Section 60.15.15.5. ~~and for Major Pedestrian Route Standards in the Regional Center zoning districts and the South Tektronix Station Community.~~

40.10.15. Application.

There are ~~four (4)~~ Two (2) Adjustment applications which are as follows: Minor Adjustment, ~~Minor Adjustment—All Regional Center zones and South Tektronix Station Community, Major Adjustment,~~ and Major Adjustment—~~All Regional Center zones and in the South Tektronix Station Community.~~

1. Minor Adjustment

- A. Threshold. An application for Minor Adjustment shall be required when one or more of the following thresholds apply:

- ~~2. Involves up to and including a 10% adjustment from the numerical Development Standards for Major Pedestrian Routes specified in Section 20.20.60.D.3 of this Code.~~

3. Involves up to and including a 10% adjustment from the numerical Development Standards for Grading specified in Section 60.15.15.05, Land Division Grading standards of this Code.

2. Major Adjustment

- A. Threshold. An application for Major Adjustment shall be required when one or more of the following thresholds apply:

2. Involves an adjustment of more than 10% and up to and including 50% adjustment from the numerical Development Standards for Grading specified in Section 60.15.15.05, Land Division, Grading standards of this Code.

Section 7: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.20.15., shall be amended to read as follows:

40.20 Design Review

40.20.15. Application

1. Design Review Compliance Letter

- A. Threshold. An applicant may utilize the Design Review Compliance Letter process when the application is limited to one or more of the following categories of proposed action:

1. Minor design changes to existing building or site including, but not limited to:
 - a. Façade changes, except changes in color.
 - b. Addition, elimination, or change in location of windows.
 - c. Addition, elimination, or change in location of person doors and loading doors.
 - d. Addition of new and change to existing awnings, canopies, and other mounted structures to an existing façade.
 - e. Demolition or other reduction of up to 25 percent of the existing building square footage.

Exhibit A

- f. Modification of up to 15 percent on-site landscaping with no reduction in required landscaping.
- g. Modification of off-street parking with no reduction in required parking spaces or increase in paved area.
- h. Addition of new fences, retaining walls, or both.
- i. Changing of existing grade.
- j. Removal of up to 5 Landscape Trees
- k. Addition of no more than twenty-five (25) percent landscape features that consist only of natural materials.

2. Design Review Two

- A. Threshold. An application for Design Review Two shall be required when an application is subject to applicable design standards and one or more of the following thresholds describe the proposal.

- 5. Any change in excess of 15 percent of the square footage on on-site landscaping or pedestrian circulations area with the exception for an increase in landscape art of up to 25 percent.

3. Design Review Three.

- A. Threshold. An application for Design Review Three shall be required when an application is subject to applicable design guidelines and one or more of the following thresholds describe the proposal:

- 1. New construction ~~or addition~~ of more than 50,000 gross square feet of floor area where the development does not abut any residential zone.

Exhibit A

2. New construction ~~or addition~~ of more than 30,000 gross square feet of floor area where the development abuts or is located within any residential zone.

Section 8: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.35.15.1.A.1 shall be amended to read as follows:

40.35 Historic Review

1. Alteration of a Landmark.

- A. Threshold. An application for Alteration of a Landmark shall be required when one or more of the following thresholds apply:

1. Changes to any aspect of the exterior appearance, including, but not limited to, ~~paint color~~, exterior finish materials, architectural detailing, and changes to window and door locations or dimensions.

Section 9: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.40.05, shall be amended to read as follows:

40.40.05. Purpose.

The ~~provisions~~ purpose of the Home Occupation application is to provide recognition of the needs or desires of ~~many~~ people to engage in small scale business ventures at home.

Exhibit A

Section 10: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.45.15.4.A.1 and Section 40.45.15.5.A.1. shall be amended to read as follows:

40.45 Land Division

40.45.15. Application.

4. Preliminary Fee Ownership Partition.

A. Threshold. An application for Preliminary Fee Ownership Partition shall be required when the following threshold applies:

1. The creation of up to and including three (3) new lots from a lot of record in one calendar year in Commercial, Industrial or Multiple Use zones which do not meet the access requirements contained in Section 60.55.40.1 of this Code, or which do not meet ~~all of~~ the setback, lot, or both dimension Site Development Requirements of Chapter 20 (Land Uses) for new lots in Commercial, Industrial, or Multiple Use zones where an Adjustment, Variance, or Planned Unit Development application will not be filed to address the same Site Development Requirements. [ORD 4265; September 2003]

5. Preliminary Fee Ownership Subdivision.

A. Threshold. An application for Preliminary Fee Ownership Subdivision shall be required when one or more of the following thresholds apply:

1. The creation of four (4) or more new lots from a lot of record in one (1) calendar year which do not meet ~~all of~~ the setback, lot, or both dimension Site Development Requirements of Chapter 20 (Land Uses) for new lots in Commercial, Industrial, or Multiple Use zones where an Adjustment, Variance, or Planned Unit Development application will not be filed to address the same Site Development Requirements.

Exhibit A

Section 11: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.55.15.2.A, shall be amended to read as follows:

40.55 Parking Determination

2. Shared Parking

A. Threshold. An application for Shared Parking shall be required when one or more of the following thresholds apply:

2. All or a portion of the required parking will be provided at an off-site location.

Section 12: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.60.15.1.C.5 will be amended to read as follows:

40.60 Sign

1. Sign.

C. Approval Criteria

5. The proposed sign is in conformance with the vision clearance standards specified in the Engineering Design Manual ~~Section 60.55.50 (Intersection Standards)~~.

Exhibit A

Section 13: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.90.10, will be amended to read as follows:

40.90 Tree Plan

40.90.10. Applicability

5. Pruning of trees consistent with the Vision Clearance requirements of the Engineering Design Manual ~~Section 60.55.50.~~

Language rewritten by Planning Commission is underlined.

17. Removal of a tree(s) by the City of Beaverton or Clean Water Services that is within five (5) feet of a section of existing sanitary or storm sewer line that is in need of emergency repair and/or maintenance within a SNRA when no reasonable alternative exists.

Section 14: The Development Code, Ordinance No. 2050, Chapter 50 - Procedures, Sections 50.25.11, will be amended to read as follows:

50.25 Application Completeness

11. ~~Pursuant to Section 50.25.3, an application will not be complete until the required fee has been received by the City.~~ For any application which has been on file with the City for more than 180 calendar days and the applicant has not met the obligations of Section 50.25.7, ~~paid the required fee,~~ the application will be deemed withdrawn.

Exhibit A

Section 15: The Development Code, Ordinance No. 2050, Chapter 50 - Procedures, Section 50.40.2.B, 50.45.2.B, and 50.50.2.B. shall be amended to read as follows:

50.40. Type 2

2. Approximately seven (7) calendar days after the application has been determined to be or deemed complete, the Director shall mail a written notice to:

A. The applicant and the property owner.

B. The Chair of the NAC ~~Chair~~ in which the subject property is located and the Chair of any other NAC's ~~Chair~~ whose boundaries are within three hundred (300) feet of the subject property.

50.45. Type 3

2. Approximately seven (7) calendar days after the application has been determined to be or deemed complete, the Director shall mail a written notice to:

A. The applicant and the property owner.

B. The NAC Chair in which the subject property is located and any other NAC Chair whose boundaries are within five hundred (500) feet of the subject property.

50.50. Type 4

2. Not more than forty (40) nor less than twenty (20) calendar days before the date of the initial hearing of the decision making authority on an

Exhibit A

ordinance that proposes to legislatively change the zoning map or to amend the text of the Development Code, the Director shall mail notice of the hearing to:

- A. The applicant if other than the City.
- B. All NAC Chairs in whose area there is property that in the Director's opinion could be affected by the proposed ordinance, if adopted.

Section 16: The Development Code, Ordinance No. 2050, Chapter 50 - Procedures, Section 50.83, Testimony, Exhibits, and Other Evidence before the Planning Commission and Board of Design Review, shall be amended to read as follows:

50.83. Testimony, Exhibits, and Other Evidence before the Planning Commission and Board of Design Review.

- 2. Any person may submit exhibits or written comments prior to the hearing. All submittals shall be made on 8 ½ by 11 inch standard bond paper. All submittals which are more than two (2) letter sized pages must include ~~of~~ no fewer than ten (10) complete copies of the materials being submitted. Written comments or exhibits submitted prior to the hearing to be submitted by staff at the hearing must be received by the Director no later than 4:30 p.m. on the day of the scheduled hearing.

Section 17: The Development Code, Ordinance No. 2050, Chapter 50, Procedures, Section 50.90.1.B and 50.90.1.D. shall be amended to read as follows:

50.90. Expiration of a Decision

- B. Two (2) years from the effective date of decision:
 - Accessory Dwelling Unit (40.05.15.1)

Exhibit A

Administrative Conditional Use (40.15.15.3)

Alteration of a Landmark (40.35.15.1)

Commercial Timber Harvest (40.90.15.4)

Conditional Use (40.15.15.4)

Demolition of a Landmark (40.35.15.3)

D. No expiration date:

Director's Interpretation (40.25.15.1)

Discretionary Annexation Related Zoning Map Amendment
(40.97.15.4).

Legislative Zoning Map Amendment (40.97.15.2)

Non-Discretionary Annexation Related Zoning Map Amendment
(40.97.15.3)

Quasi-Judicial Zoning Map Amendment (40.97.15.1)

Street Vacation (40.75.15.1)

Text Amendment (40.85.15.1)

~~Tree Plan Four (40.90.15.4)~~

**Section 18: The Development Code, Ordinance No. 2050, Chapter 60 -
Special Requirements, Section 60.05.25.10 and 60.05.45.9 shall be amended
to read as follows:**

60.05.25 Landscape, Open Space and Natural Areas Standards

10. Landscape Buffering Requirements. All new development and redevelopment in the City subject to Design Review shall comply with the landscape buffering requirements of Table 60.05-2 and the following standards. For purposes of this Section, a landscape buffer is required along the side and rear of properties between different zoning district designations. A landscape buffer is required for non-residential land uses and parks in residential zoning districts. Both buffering standards and side and rear building setback requirements shall be met. Only landscaping shall be allowed in the landscape buffer areas. Buffer areas and building setback standards are measured from the property line, they are not additive. Where a yard setback width is less than a landscape buffer width, the yard setback width applies to the specified buffer designation (B1, B2, or B3 as

appropriate). A landscape buffer width cannot exceed a minimum yard setback dimension. In addition, the buffer area and landscape standard are intended to be continuously applied along the property line, except as authorized under Section ~~60.05.25.4~~ 60.05.45.9

60.05.45. Landscape, Open Space, and Natural Areas Design Guidelines.

9. Landscape Buffering and Screening

- A. A landscape buffer should provide landscape screening, and horizontal separation between different zoning districts and between non-residential land uses and residential land uses. The buffer standards shall not be applicable along property lines where existing natural features such as flood plains, wetlands, riparian zones and identified significant groves already provide a high degree of visual screening. (Standard 60.05.25.9.10)

Section 19: The Development Code, Ordinance No. 2050, Chapter 60 - General Provisions, Section 60.30.05.3, shall be amended to read as follows:

60.30.05 Off-Street Parking Requirements.

3. Bicycle Parking. [ORD 3965, October 1996] Bicycle parking shall be required for all multi-family residential developments of four units or more, all retail, office and institution developments, and at all transit stations and park and ride lots which are proposed for approval after November 6, 1996. The number of required bicycle parking spaces shall be provided according to Section 60.30.10.5. All bike parking facilities shall meet the specifications, design and locational criteria as delineated in this section and ~~Section 60.55.65. of this Code~~ the Engineering Design Manual.

Exhibit A

Section 20: The Development Code, Ordinance No. 2050, Chapter 60 - Special Regulations, Sections 60.50.15., will be amended to read as follows:

60.50.15. Projections into Required Yards and Public Right-of-Way.

1. The following structures may project into required yards, but may not project into a utility easement.

- F. Bay windows without a foundation may project into the front and rear yard setback by not more than 2 feet and may not occupy more than 50 percent of any one wall plane of a structure. (ORD 3739)

Section 21: The Development Code, Ordinance No. 2050, Chapter 60 - Special Regulations, Section 60.55.25.9, shall be amended to read as follows:

60.55.25. Street and Bicycle and Pedestrian Connections

9. Accessways are one or more connections that provide bicycle and pedestrian passage between streets or a street and a destination. Accessways shall be provided as required by this code and where full street connections are not possible due to the conditions described in ~~60.55.25.14~~ 60.55.25.13.

An accessway will not be required where the impacts from development, redevelopment, or both are low and do not provide reasonable justification for the estimated costs of such accessway.

- A. Accessways shall be provided as follows:

2. If any of the conditions described in ~~60.55.25.14~~ 60.55.25.13 result in block lengths longer than 1200 feet as measured from the near side right-of-way line of the subject street to the near side right-of-way line of the adjacent street, then two or more accessways may be required through the block.

Exhibit A

3. Where a street connection is not feasible due to conditions described in ~~60.55.25.14~~ 60.55.25.13, one or more new accessways to any or all of the following shall be provided as a component of the development if the accessway is reasonably direct: an existing transit stop, a planned transit route as identified by TriMet and the City, a school, a shopping center, or a neighborhood park.

Section 22: The Development Code, Ordinance No. 2050, Chapter 60 - Special Regulations, Section 60.70.20.1., shall be amended to read as follows:

60.70.20. Exemptions

1. All of the following are exempt from the regulations contained in this section of the Code:

- I. Antennas installed by a public agency for the purpose of emergency communications that are less the 30-inches in diameter affixed to existing structures with associated equipment completely located within the interior of an existing or proposed structure.

Section 23: The Development Code, Ordinance No. 2050, Chapter 60 - General Provisions, Section 60.70.35.1.E shall be amended to read as follows:

60.70.35. Development Standards for WCF

1. General:

- E. ~~On new towers, d~~ Davit arms extending a maximum of five (5) feet out from the connection with the tower body may be used to support individual antennas.

Exhibit A

Section 24: The Development Code, Ordinance No. 2050, Chapter 60 - Special Regulations, Section 60.70.50.1.C. shall be amended to read as follows:

60.70.50 Required Studies and Information.

C. All WCF applications abutting or within residential, or multiple use zoning districts proposing exterior at-grade equipment shelters shall be accompanied by the equipment manufacturer's written noise specifications if these specifications are proposed to be followed. ~~If the operational specifications are not to be followed, or if there are no specifications available, a written analysis prepared by a licensed engineer addressing conformity to the noise standards specified in Section 60.70.35.9 shall be submitted.~~

Section 25: The Development Code, Ordinance No. 2050, Chapter 90, Definitions, will be amended as follows:

Lot Area. The computed area contained within the lot lines, exclusive of street or alley rights-of-way ~~and easements of access to other property.~~

~~**One-Third Octave Band Sound Pressure Level.** The sound pressure level for the sound being measured within the specified one-third octave band at the PREFERRED FREQUENCIES. The reference pressure is 20 micropascals (20 micronewtons per square meter).~~

Surplus Parking – Off-street parking that is greater in number than the maximum required off-street parking.

**BEFORE THE PLANNING COMMISSION FOR
THE CITY OF BEAVERTON, OREGON**

IN THE MATTER OF A REQUEST TO AMEND)	ORDER NO. 1870
BEAVERTON DEVELOPMENT CODE)	TA2006-0004 RECOMMENDING APPROVAL
CHAPTER 10 (GENERAL PROVISIONS),)	OF 2006 OMNIBUS TEXT AMENDMENT.
CHAPTER 20 (LAND USES), CHAPTER 40)	
(APPLICATIONS), CHAPTER 50)	
(PROCEDURES), CHAPTER 60 (SPECIAL)	
REGULATIONS), AND CHAPTER 90)	
(DEFINITIONS) (BEAVERTON)	
DEVELOPMENT CODE OMNIBUS)	
AMENDMENTS). CITY OF BEAVERTON,)	
APPLICANT.)	

The matter of TA2006-0004 (2006 Omnibus) was initiated by the City of Beaverton, through the submittal of a text amendment application to the Beaverton Community Development Department.

Pursuant to Ordinance 2050 (Development Code), effective through Ordinance 4382, Section 50.50 (Type 4 Application), the Planning Commission conducted a public hearing on May 31, 2006, and considered oral and written testimony and exhibits for the proposed amendment to the Beaverton Development Code.

TA2006-0004 (2006 Omnibus) proposes to amend Development Code Chapter 10 (General Provisions), Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions).

The Planning Commission recommends with the adoption of this order three (3) changes to the Omnibus text attached to the staff report dated May 24, 2006. The Planning Commission agreed to the changes to Section 6, proposed changes to Development Code Section 40.10, Adjustments, as

24, 2006. The Planning Commission agreed to the changes to Section 6, proposed changes to Development Code Section 40.10, Adjustments, as outlined in the May 31, 2006 memo. The Planning Commission recommends that the proposed text change to Section 40.90.10, Tree Plan Exemptions, be written to include a numeric distance of five (5) feet from any existing sanitary or storm sewer line be included in this regulations to reduce the possibility of removing trees unnecessarily. The Planning Commission also recommends changing the language contained in Section 18 to provide additional clarity for the requirements to provide notification to Neighborhood NAC Chairs.

The Planning Commission adopts by reference the May 24, 2006, Staff Report, as amended, as to criteria contained in Section 40.85.15.1.C.1-7 applicable to this request contained herein; now, therefore:

IT IS HEREBY ORDERED that pursuant to Section 50.50.1 of the Beaverton Development Code, the Planning Commission **RECOMMENDS APPROVAL** of Chapter 10 (General Provisions), Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions) contained within TA2006-0004. The Planning Commission finds that evidence has been provided demonstrating that all of the approval criteria specified in Section 40.85.15.1.C.1-7 are satisfied for the modification to Chapter 10 (General Provisions), Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions) of the Development Code.

Motion **CARRIED** by the following vote:


AYES: Maks, Winter, Bobadilla, Kroger, Stephens, and Pogue.
NAYS: None.
ABSTAIN: None.
ABSENT: Johansen.

Dated this _____ day of _____, 2006.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1870, an appeal must be filed on an Appeal form provided by the Director at the City of Beaverton Recorder's Office by no later than 5:00 p.m. on _____, 2006.

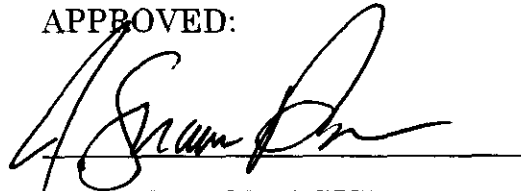
PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:



COLIN COOPER, AICP
Senior Planner

APPROVED:



J. SHANNON POGUE
Vice Chairman



STEVEN A. SPARKS, AICP
Development Services Manager

PLANNING COMMISSION MINUTES

May 31, 2006

CALL TO ORDER: Vice-Chair Shannon Pogue called the meeting to order at 6:30 p.m. in the in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL: Present were Vice-Chair Shannon Pogue; Commissioners Bobadilla, Kroger, Maks, Stephens, and Winter. Chairman Johansen was excused.

Senior Planner Colin Cooper, Associate Planner Liz Jones, Assistant City Attorney Ted Naemura, and Recording Secretary Sheila Martin represented staff.

VISITORS:

Vice-Chair Shannon Pogue read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There were none.

STAFF COMMUNICATIONS

Senior Planner Colin Cooper reminded the Commission that the previously-discussed By-Laws had been redistributed, observing that staff would appreciate a vote with regard to the automatic continuance provision. Observing that this same provision has already been approved by the Board of Design Review, he pointed out that it would be discussed by the City Council next week.

OLD BUSINESS:

Vice-Chair Pogue opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items, to participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda. There was no response.

1 **I. TA 2006-0004 – OMNIBUS TEXT AMENDMENT**

2 The proposed text amendment Annual text amendment to
3 selected sections of the Beaverton Development Code currently
4 effective through Ordinance 4382 to clarify approval criteria,
5 specify applicability of certain regulations, relocate certain
6 sections and remove non-applicable sections from the Code.
7 Affected chapters of the Development Code include Chapter 10
8 (General Procedures), Chapter 20 (Land Use), Chapter 40
9 (Permits & Applications), Chapter 50 (Procedures), Chapter 60
10 (Special Requirements), and Chapter 90 (Definitions).

11
12 Chair Pogue briefly described the hearing process and applicable
13 approval criteria.

14
15 Mr. Cooper presented the Staff Report and explained that this text
16 amendment represents the annual housekeeping amendments to the
17 Development Code, observing that several minor changes have been
18 identified for revision this year, which he briefly described.
19 Concluding, he offered to respond to questions.

20
21 Commissioner Winter made several grammatical corrections to the
22 document.

23
24 Commissioner Kroger requested clarification with regard to the phrase
25 “emergency repair”.

26
27 Mr. Cooper explained that this pertains to applicability for Tree Plans
28 in general, observing that the Development Services Division is
29 basically responding to the Operations Division with regard to the
30 occasional need of an emergency repair maintenance of existing
31 sanitary lines, and pointed out that a Tree Plan would not be required
32 in this situation. He emphasized that every effort would be made to
33 create a minimal impact to any area affected.

34
35 Commissioner Kroger requested that this section be revised to include
36 the word “minimum”.

37
38 Mr. Cooper assured Commissioner Kroger that this change would be
39 reflected in the proposal that is submitted to the City Council.

40
41 Commissioner Maks requested clarification with regard to Section
42 50.45 Type II, Item 2.B, specifically whether the Neighborhood
43 Association or the NAC Chair has to be located within 500 feet of the
44 proposed site.

1
2 Mr. Cooper indicated that the intent was for the boundaries of the
3 Neighborhood Association to be located within 500 feet of the proposed
4 site.

5
6 Commissioner Maks questioned the intent of the phrase "landscape art
7 of up to 25%".

8
9 Mr. Cooper explained that landscape art is created out of natural
10 material that could be installed on-site through a Design Review
11 Compliance Letter, observing that exceptions are provided so that this
12 issue does not ever become a Type II process.

13
14 Commissioner Maks discussed issues pertaining to equipment cabinets
15 and Oregon Department of Environmental Quality (DEQ) noise
16 standards. He pointed out that DEQ provides guidelines, not
17 standards, adding that this issue needs to be addressed through the
18 next Omnibus Text Amendment.

19
20 Mr. Cooper noted that the Commission can look forward to receiving
21 the proposed Planned Unit Development (PUD) standards and
22 guidelines within the next week.

23
24 **PUBLIC TESTIMONY:**

25
26 No member of the public testified with regard to this application.

27
28 Staff indicated that there were no further comments.

29
30 Vice-Chair Pogue closed the public portion of the public hearing.

31
32 Commissioners Winter, Stephens, Kroger, Bobadilla, and Maks and
33 Vice-Chair Pogue all indicated that they were in support of the
34 proposed text amendment, including the revisions that had been
35 discussed.

36
37 Commissioner Maks **MOVED** and Commissioner Winter **SECONDED**
38 a motion to **APPROVE** TA 2006-0004 – Omnibus Text Amendment,
39 based upon the Staff Report and findings dated May 24, 2006, with the
40 additional revisions recommended by the Commission this evening, to
41 be embodied within the recommendation that is submitted to the City
42 Council for final approval.

43
44 **CARRIED:** 6:0, as follows:

1
2 **AYES:** Maks, Winter Bobadilla, Kroger, Stephens, and
3 Pogue.

4 **NAYS:** None.

5 **ABSTAIN:** None.

6 **ABSENT:** Johansen.

7
8 **NEW BUSINESS:**

9
10 **II. DR 2006-0013/LD 2006-0003/ADJ 2006-0009/ADJ 2006-**
11 **0014/FS 2006-0014 – MURRAY COURT 5-LOT**
12 **SUBDIVISION**

13 The applicant proposes a Design Review Two application for a
14 five (5) unit townhouse development located on the
15 southwestern corner of SW Murray Boulevard and SW 6th
16 Street. The proposal includes a shared driveway with a single
17 access from SW 6th Street which will serve all units, landscaping
18 and associated infrastructure. A Preliminary Subdivision
19 request to create five (5) residential lots is proposed. A Flexible
20 Setback application has been submitted to modify Lot 5's
21 required 10-foot side yard setback to a seven (7) foot side yard
22 setback. The applicant also proposes a Minor Adjustment
23 application to reduce the Open Space requirement of 600 square
24 feet per dwelling. In addition, the applicant requests a Minor
25 Adjustment application to reduce the lot depth requirement of
26 100 feet to approximately 98 feet.

27
28 Commissioner Maks **MOVED** and Commissioner Winter **SECONDED**
29 a motion to **CONTINUE** DR 2006-0013/LD 2006-0003/ADJ 2006-
30 0009/ADJ 2006-0014/FS 2006-0014 – Murray Court 5-Lot Subdivision
31 to a date certain of June 7, 2006.

32
33 Motion **CARRIED**, unanimously.

34
35 **OLD BUSINESS:**

36
37 **III. LD 2005-0044/DR 2005-0109/TP 2005-0023/ADJ 2005-**
38 **0011/ADJ 2006-0013/FS 2005-0019 – ALLEN ESTATES**

39 (Continued from May 10, 2006)

40 The applicant requests Land Division-Preliminary Subdivision
41 (LD), Design Review Three (DR3), Tree Plan Two (TP2), Major
42 Adjustment (MA), and Flexible Setback (FS) approval for the
43 development of a 26 single family attached townhome project.
44 The applicant is requesting LD approval to divide the overall

1 site area into 26 lots for residential use and to create open space
2 and water quality tracts. The DR3 request is for the specific
3 design of the proposed 26 residential units, open space, streets,
4 landscaping, lighting and fencing. The applicant is requesting
5 TP2 approval for the removal of 24 trees identified as
6 "Community Trees" on the site. The scope of the Major
7 Adjustment application is a request to deviate from the 100 foot
8 minimum lot depth requirement of the R-1 zone. The request is
9 for lot widths to vary between 61 feet to approximately 70 feet
10 deep. The Flexible Setback-Zero Side Yard request is to
11 accommodate construction of attached single family dwellings
12 and to accommodate reduced setbacks on exterior walls. Please
13 refer to the applicant's plans and elevation drawings, on file at
14 City Hall, to view the specific proposal.

15
16
17 Chair Pogue briefly described the hearing process and applicable
18 approval criteria.

19
20 Associate Planner Liz Jones presented the Staff Report and briefly
21 described the six applications associated with this proposal.
22 Concluding, she submitted the materials board, observed that no
23 issues have been identified by staff, recommended approval, and
24 offered to respond to questions.

25
26 Commissioner Maks referred to page FR-2, observing that a Traffic
27 Analysis is not required for this development, and requested
28 clarification with regard to the ITE number that is being used for these
29 townhomes, specifically with regard to the trip generation.

30
31 Ms. Jones advised Commissioner Maks that the applicant should be
32 able to respond to this question.

33
34 Referring to page FR-5, Commissioner Maks questioned whether the
35 applicant has provided information with regard to the estimated cost
36 or price feasibility for the maintenance.

37
38 Ms. Jones responded that the applicant has not provided this
39 information.

40
41 Referring to Condition of Approval No. 16 for the Tree Preservation
42 Plan, Commissioner Maks pointed out that this would eventually end
43 up with the boiler plate. He noted that during construction, the
44 applicant shall not store materials or equipment within the tree

1 protection zone, observing that this should also be required prior to the
2 issuance of the Site Development Permit.

3
4 Referring to the Minor Adjustment, Chairman Maks observed that the
5 street is a public street, noting that there would be no parking on
6 either start of the street. He explained that historically, 18½ feet is
7 the minimum allowed for the garage setback, adding that he may not
8 agree that clearance standards would be met. Observing that garbage
9 and recycling would be stored within the garage, he requested
10 clarification with regard to the pedestrian pathway on garbage and
11 recycling day, expressing concern with this issue.
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24 **MISCELLANEOUS BUSINESS:**

25
26 The meeting adjourned at 9:40 p.m.



MEMORANDUM
City of Beaverton
Community Development Department

"make it happen"

To: Planning Commission
From: Colin Cooper, AICP, Senior Planner *Colin*
Date: May 31, 2006
Subject: TA 2006-0004 2006 Omnibus – Additional Text

The purpose of this memo is to propose a revision to the text in **Section 6** of the 2006 Omnibus for consideration by the Planning Commission at the public hearing on May 31, 2006.

The text included in **Section 6** proposes to make several amendments to Section 40.10.10, Adjustments, portion of the Development Code.

Because the Adjustment application for the Regional Center and Tektronix Station Area were deleted from the Development Code with the adoption of the Design Review Code Update staff recommend the removal of the reference to these applications as indicated in the attached text.

In the text forwarded to the Commission in the staff report dated May 24, 2006, staff proposed a new threshold for both the Minor and Major Adjustment application to allow adjustments to the grading requirements found in Chapter 60 (Special Regulations) Section 60.15.15.05, Compliance with Land Division Approvals – Grading. There is currently no adjustment or variance possible for this existing requirement which was added to the code in 2005. The revised proposal attached to this memo includes language for Section 40.10.10, Applicability, that adjustment to the grading requirements may be made through this Development Code Section 40.10.

Section 6: The Development Code, Ordinance No. 2050, Chapter 90, Definitions, will be amended as follows:

40.10.10. Applicability.

An Adjustment may be requested only for numerical Site Development Requirements contained in Chapter 20 (Land Uses) or the grading standards contained in Chapter 60 (Special Requirements) Section 60.15.15.5. ~~and for Major Pedestrian Route Standards in the Regional Center zoning districts and the South Tektronix Station Community.~~

40.10.15. Application.

There are ~~four (4)~~ Two (2) Adjustment applications which are as follows: Minor Adjustment, ~~Minor Adjustment—All Regional Center zones and South Tektronix Station Community,~~ Major Adjustment, and Major Adjustment—~~All Regional Center zones and in the South Tektronix Station Community.~~

1. Minor Adjustment.

A. Threshold. An application for Minor Adjustment shall be required when one or more of the following thresholds apply:

1. Involves up to and including a 10% adjustment from the numerical Site Development Requirements specified in Chapter 20 (Land Uses).
- ~~2. Involves up to and including a 10% adjustment from the numerical Development Standards for Major Pedestrian Routes specified in Section 20.20.60.D.3 of this Code.~~
2. Involves up to and including a 10% adjustment from the numerical Development Standards for Grading specified in Section 50.15.15.05, Land Division Grading Standards of this Code.




CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 General Information (503) 526-2222 V/TDD

CITY OF BEAVERTON STAFF REPORT AND RECOMMENDATION

TO: Planning Commission

STAFF REPORT DATE: May 24, 2006

STAFF: Colin Cooper, AICP, Senior Planner 

SUBJECT: TA 2006-0004 (2006 Omnibus)

REQUEST: Annual omnibus text amendments to selected sections of the Beaverton Development Code currently effective through Ordinance 4382 (November 2005) to respond to issues raised since the last omnibus amendment, improve procedures, clarify approval criteria, specify the applicability of certain regulations to different types of applications, relocate certain sections and remove non-applicable sections from the Code. Affected chapters of the Development Code include Chapter 10 (General Provisions), Chapter 20 (Land Uses), Chapter 40 (Applications), Chapter 50 (Procedures), Chapter 60 (Special Regulations), and Chapter 90 (Definitions).

APPLICANT: City of Beaverton

AUTHORIZATION: Ordinance 2050 (Development Code), effective through Ordinance 4382 (November 2005)

APPLICABLE CRITERIA: Ordinance 2050, effective through Ordinance 4382, Section 40.85.15.1.C.1-7 (Text Amendment Approval Criteria)

HEARING DATE: Wednesday, May 31, 2006

STAFF RECOMMENDATION(S)

Staff offers the following recommendation for the conduct of the May 31, 2006 public hearing for TA 2006-0004 (2006 Omnibus):

1. Open the public hearing.
2. Receive all public testimony.
3. Close the public hearing.
4. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
5. Recommend **APPROVAL** of text amendment application **TA 2006-0004 (2006 Omnibus)** to the City Council.

PROPOSAL OVERVIEW

This application is similar to previous Omnibus Text Amendments as it proposes a series of minor changes to the Development Code that are intend to enhance the implementation of the regulations by providing greater clarity to the code. The proposed text amendments included in this application have been suggested by regular users of the Development Code including citizens, policy makers, and staff.

TA 2006-0004 proposes the following amendments to the Development Code:

Section 1 - Proposes a small change to Section 10.40, Annexations. The purpose of this change is to delete a sentence that directs that a non-discretionary zone map amendment shall receive a Type 3 quasi-judicial hearing process. The current City procedure for non-discretionary annexation related zoning map amendments is to bring the matter directly to the City Council on the consent agenda because no public hearing is required for non-discretionary annexation related zoning map amendments. Discretionary annexation related zoning map amendments are subject to the Type 3 process. Therefore, the proposed text deletion would remove an internal inconsistency and let Sections 40.97.15.3 and 40.97.15.4. specify the application processing requirements for the zoning map amendments.

The section also proposes a small change to provide the discretion currently being exercised by the City Council in determining if a Planning Commission hearing is required for an annexation related zoning map amendment.

Section 2 – Proposes to delete from the Conditional Uses list with the Urban Standard Density (R-7) and (R-5) Districts a reference to Two attached dwellings within the Beaverton Regional Center. The purpose in deleting this section is because neither of these zones are currently located within the Regional Center and neither of the zones implement the Regional Center Comprehensive Plan Designation and therefore it is not anticipated that these zones will ever be established in the Regional Center.

Section 3 – Proposes to clarify several lot width standards in Section 20.05.50.2. In the case of Section 20.05.50.5. and 20.05.50.6 the code reference to Section 60.55.40.1, which previously referenced minimum street access standards was deleted by TA 2003-0008 (ORD. 4302) effective May 2004.

Section 4 - Proposes to update Section 20.10.50, Site Development Requirements, to ensure that the Building Orientation Standards found in Section 60.05.25 are implemented in cases where a parcel is greater than 60,000 square feet in area.

Section 5 - Proposes to correct a reference for equipment shelters located in multiple-use zoning districts rather than industrial zoning districts, this mistake is repeated in several locations in the Multiple-Use Site Development Requirements.

Section 6 – Proposes to amend the Sections 40.10.15.1.A and 40.10.15.2.A, to provide a land use applicant an the opportunity to apply for an adjustment if they are unable to meet the grading standards contained in Section 60.15.15.5, Land Division Standards for Grading. Currently there is no method for an applicant to ask for relief from these standards.

Section 7 - Proposes to amend Section 40.20.15.1, Design Review Compliance Letter, to include the addition of not more than twenty-five (25) percent landscape features that consist of natural materials. This proposal is responding to circumstances where business or property owners wish to place items in the landscape area that are not living landscape but may resemble landscape. The section also proposes to amend Section 40.20.15.2.A, to provide an exemption for landscape art. Lastly, the section proposes to delete a “or addition” to avoid potential confusion with the Design Review Three threshold of Section 40.20.15.3.A.3 and 4, where building addition thresholds are located.

Section 8 - Proposes to delete paint color in Section 40.35.15.1.A, Alternation of a Landmark, to be consistent with the applicability of Design Review. Regulation of the color of buildings was removed with the adoption of the Design Review Standards in 2005.

Section 9 – Proposes a minor language change to provide clarity and consistency for the Home Occupation purpose statement.

Section 10 – Proposes to amend Section 40.45.15.4 and 5, to clarify that only dimensional standards are applicable of site development regulations covered in the Fee Ownership Subdivision.

Section 11 – Proposes a amend Section 40.55.14.2.A, Shared Parking Thresholds, by adding a threshold for circumstances when shared parking is located off-site. This threshold improves clarity for those business owners who wish to take advantage of the approval criterion that allows for shared parking to occur within 200 feet in Multiple Use zoning districts.

Section 12 – Proposes to amend Section 40.60.15.1.C, Sign Approval Criteria, to correctly reference the vision clearance regulations which have been moved from the Development Code to the Engineering Design Manual.

Section 13 – Proposes to amend Section 40.90.10, Tree Plan Applicability, to specifically exempt tree removal required in a Significant Natural Resource Area because of the emergency repair or maintenance of existing sanitary sewer lines.

Section 14 – The proposed amendment will clarify what steps an applicant must take within 180 days of submitting an application and the consequences of not performing within those 180 days.

Section 15 – Proposes to amend Section 50.40.2, 50.45.2, and 50.50.2 to add clarity by specifying that the public notice shall go to the Neighborhood Chair and not simply the Neighborhood Association.

Section 16 – Proposes to amend Section 50.83, Testimony, Exhibits, and Other Evidence before the Planning Commission and Board of Design Review, to require that written comments be submitted on 8 ½ by 11 inch sheets of paper. The purpose of this amendment is to reduce administrative staff time and material expense in the reproduction of non-standard material for the purpose of attaching to staff reports.

Section 17 – Proposes to amend Section 50.90.B, Expiration of a Decision, by adding Commercial Timber Harvest, under the two year expiration period. The Commercial Timber Harvest application was previously added to the Development Code through the revised Tree Plan Text Amendment in 2005; however, a provision for when a decision would expire was not included. Additionally, Section 50.90.D. is amended to delete, Tree Plan Four, from the list of land use application that do

not have an expiration date because this application was eliminated with TA 2004-0011.

Section 18 - Proposes to amend Sections 60.05.25.10 and 60.05.45.9 to simply correct code references contained in each of these sections.

Section 19 – Proposes to amend Section 60.30.05, Off-Street Parking, to simply correct the reference for the technical standards related to Bicycle Parking which was moved to the Engineering Design Manual.

Section 20 – Proposes to amend Chapter 60.50.15., Projections into required Yards and Public Right-of-Ways, this proposed amendment seeks to avoid the unintended consequence of allowing a builder to construct a significant intrusion into a required yard or easement by including a bay that runs the length of a house. With the increasing number of narrow homes on small lots builders have demonstrated an increasing desire to use this technique to create additional square feet within the home.

Section 21 - Proposes to amend Transportation Facilities, Section 60.55.25, to provide the correct code reference regarding Street, Bicycle, and Pedestrian hindrances.

Section 22 - Proposes to amend Section 60.70.20, Wireless Communications Facilities, to allow an exemption for wireless antennas that are installed for the purpose of emergency communications by public agencies. This proposal was considered by the Planning Commission at a work session on March 1, 2006. Based on the direction of the Commission staff is forwarding this amendment as part of the Omnibus.

Section 23 - Proposes to amend Section 60.70.35, Wireless Communication Facilities to reflect the Community Development Director interpretation that because the use of multiple Davit arms does not create a “top hat” they may be used on any tower.

Section 24 – Proposes to amend Section 60.70.50.1.C to eliminate the reference to conformity of noise standards in Section 60.70.35.9, because no noise standard is contained in Section 60.70.35.9. nor was a standard adopted in the Wireless Telecommunication Ordinance. In lieu of specific standards in the ordinance, any noise created by an Equipment Cabinet would be subject to Oregon DEQ noise standards.

Section 25 – Proposes to amend Chapter 90, Definitions by:

Deleting access easements from the Lot Area definition. Without making this change access easements that are used to access flag lots or second easements can not be counted in the lot area calculations, which has not been the practice of the City.

Deleting the definition for *One Third Octave Band Sound Pressure Level*. This definition is not related to any of the regulations within the Development Code.

Adding a definition for *Surplus Parking*. Staff find that the Development Code defines Required Parking and Excess Parking; however, there is no code definition of parking that is above the amount of required parking that is above the maximum allowed under existing codes and could be used for Temporary Uses or Shared Parking. Therefore, staff is proposing this additional definition.

PUBLIC COMMENTS

The May 4 2006 notice of application specified May 24, 2006 as the due date for written comments to be addressed in the staff report and recommendation. As of the date of issuance for the staff report and recommendation there were no written comments submitted to the record.

FACTS AND FINDINGS

A. CONFORMITY TO TEXT AMENDMENT APPROVAL CRITERIA

Section 40.85.15.1.C of the Development Code specifies that in order to approve a Text Amendment application, the decision-making authority shall make findings of fact, based on evidence provided by the applicant, that all of the criteria specified in Section 40.85.15.1.C.1-7 are satisfied. The following are the findings of fact for TA 2006-0004 (2006 Omnibus):

- 1. The proposal satisfies the threshold requirements for a Text Amendment application.***

Section 40.85.15.1.A specifies that an application for a text amendment shall be required when there is proposed any change to the Development Code, excluding changes to the zoning map. TA 2006-0004 (2006 Omnibus) proposes to amend various sections of the Development Code. Therefore, staff find that approval criterion one has been met.

2. *All City application fees related to the application under consideration by the decision-making authority have been submitted.*

Policy Number 470.001 of the City's Administrative Policies and Procedures manual states that fees for a City initiated application are not required where the application fee would be paid from the City's General Fund. The Community Development Department, which is a General Fund program, initiated the application. Therefore, the payment of an application fee is not required. Staff find that approval criterion two is not applicable.

3. *The proposed text amendment is consistent with the provisions of the Metro Urban Growth Management Functional Plan.*

Metro's Urban Growth Management Functional Plan is comprised of the following titles:

- Title 1: Requirements for Housing and Employment Accommodations
- Title 2: Regional Parking Policy
- Title 3: Water Quality and Flood Management Conservation
- Title 4: Retail in Employment and Industrial Areas
- Title 5: Neighbor Cities and Rural Reserves
- Title 6: Regional Accessibility
- Title 7: Affordable Housing
- Title 8: Compliance Procedures and
- Title 9: Performance Measures

TA 2006-0004 (2006 Omnibus) proposes to clarify a variety of sections of the Development Code without making any substantive changes to the Code. The proposed amendments have no applicability to the Metro titles. Staff find that approval criterion three is not applicable.

4. *The proposed text amendment is consistent with the City's Comprehensive Plan.*

There are no specific Comprehensive Plan policies that address the proposed omnibus text amendments. The proposed text amendments will not change the intent of the existing Development Code regulations, such that goals and policies of the Comprehensive Plan will be impacted. The following policies are addressed generally:

CHAPTER 2 – PUBLIC INVOLVEMENT ELEMENT

Staff suggest that Chapter 2 of the Comprehensive Plan (Public Involvement Element) is relevant to the proposed amendments. Although Chapter 2 of the Comprehensive Plan does not contain discrete policies to which the proposed amendment is applicable, staff suggest that the intent of Chapter 2 is met by the noticing efforts undertaken by the City to advertise the proposed text amendment.

Staff find that the proposed text amendments are consistent with the Beaverton Comprehensive Plan as the proposed amendments do not change the implementation of the Plan policies. Therefore, staff find that approval criterion four has been met.

5. *The proposed text amendment is consistent with other provisions within the City's Development Code.*

The proposed amendments do not create impacts or conflicts with other provisions within the Development Code. Staff find that proposed amendments are consistent with the other provisions of the Development Code. Staff find, therefore, approval criterion five has been met.

6. *The proposed amendment is consistent with all applicable City ordinance requirements and regulations.*

Ordinance No. 2050 which is the Development Code and as effective through Ordinance 4382, and Ordinance No. 4187 which adopted the current Comprehensive Plan, are applicable to the proposed text amendment, and are addressed in the findings of fact for approval criterion four and five. The proposed text does provide for correct references to the Engineering Design Manual. Staff did not identify any other applicable City ordinance requirements and regulations that would be affected by the proposed text amendments. Therefore, staff find that approval criterion six has been met.

7. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.*

Staff have determined that there are no other applications and documents related to the request that will require further City approval. Therefore, staff find that approval criterion seven is not applicable.

B. CONFORMANCE WITH STATEWIDE PLANNING GOALS

Because the proposal is for a text amendment to the Development Code, a demonstration of compliance with the Statewide Planning Goals is not required. ORS 197.225 requires that Statewide Planning Goals only be addressed for Comprehensive Plan Amendments. Nevertheless, staff make it a practice to review the Statewide Planning Goals as useful tool to ensure that the proposed amendments remain consistent with the City's position on the proposed amendments. The proposed text amendment's conformance to relevant Statewide Planning Goals is briefly discussed below:

GOAL ONE - CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The City is in compliance with this Statewide Planning Goal through the establishment of a Committee for Citizen Involvement (CCI). The City has gone even further by establishing Neighborhood Association Committees (NACs) for the purpose of providing widespread citizen involvement, and distribution of information. The proposed text amendment to the Development Code will not change the City of Beaverton's commitment to providing opportunity for citizen involvement, or place the City out of compliance with Statewide Planning Goal One.

The City engaged in the adopted public notification efforts for the proposed text amendments. On March 13, 2006 notice was sent to the Department of Land Conservation and Development a minimum of 45 days prior to the initial hearing. On May 4, 2006 notice was sent to the CCI and other local governmental agencies as required by the Development Code. Posting of public hearing notices at Beaverton City Hall and the Beaverton City Library also occurred on May 4, 2006. On April 28, 2006 a legal notice of the proposed text amendment and the scheduled Planning Commission public hearing was published in the *Valley Times*.

GOAL TWO - LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The City of Beaverton has adopted a Comprehensive Plan that includes text and maps (Ordinance 1800, and most recently amended by Ordinance 4187) along with implementation measures such as the Development Code (Ordinance 2050, effective through Ordinance No. 4382). These land use planning processes and policy framework form the basis for decisions and actions, such as the subject text

amendment proposal. The proposed Development Code amendment has been processed in accordance with Section 40.85 (Text Amendment) and Section 50.50 (Type 4 Application) of the Development Code. Section 40.85 contains specific approval criteria for the decision-making authority to apply during its consideration of the text amendment application. Section 50.50 (Type 4 Application) specifies the minimum required public notice procedures to insure public input into the decision-making process. The City of Beaverton's Comprehensive Plan is consistent with Statewide Planning Goal 2.

CONCLUSIONS

Based on the facts and findings presented, staff conclude that the proposed amendments to the Development Code are consistent with all the applicable text amendment approval criteria of Section 40.85.15.1.C.1-7.

STAFF RECOMMENDATION(S)

Staff offers the following recommendation for the conduct of the May 31, 2006, public hearing for TA 2006-0004 (2006 Omnibus):

1. Open the public hearing.
2. Receive all public testimony.
3. Close the public hearing.
4. Considering the public testimony and the facts and findings presented in the staff report, deliberate on policy issues and other issues identified by the Commission or the public.
5. Recommend **APPROVAL** of text amendment application **TA 2006-0004 (2006 Omnibus)** to the City Council.

Exhibit 1 Proposed Omnibus Text Amendment

EXHIBIT 1

PROPOSED OMNIBUS TEXT AMENDMENT

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1 **Section 1: The Development Code, Ordinance No. 2050, Chapter 10,**
2 **General Provisions, Section 10.40. shall be amended to read as follows:**

3
4 **10.40 Annexations**

5 *****

6
7
8 2. The City may consider the zoning for any area proposed for annexation
9 at the same time as it considers annexation of the area or at a later
10 time. ~~The notice and hearing procedures shall be as set forth in~~
11 ~~Section 50.45 (Type 3) of this Code.~~ The zoning decision shall not be a
12 final decision for the purposes of judicial review until the date that the
13 question of annexation has received all approvals required by City and
14 State law and has become effective. [ORD 4135; November 2000]
15 [ORD 4224; August 2002]

16
17 3. [ORD 4135; November 2000] The process for zoning map amendments
18 that are associated with annexations shall be as follows:

19 *****

20
21
22 B. For parcels where the UPAA does not identify a specific City
23 zoning designation and discretion is required, a public hearing
24 shall be held pursuant to Section 40.97.15.4 (Discretionary
25 Annexation Related Zone Change) of this Code. The Planning
26 Commission will conduct the public hearing on the zoning
27 change unless State law requires the City Council to hold a
28 public hearing on the related annexation in which case the
29 zoning map amendment hearing will be conducted concurrently
30 by the City Council and the Planning Commission hearing ~~will~~
31 ~~may~~ not be required. The most similar City zoning designation
32 will be applied as required by the UPAA. [ORD 4224; August
33 2002]

34 *****

Section 2: The Development Code, Ordinance No. 2050, Chapter 20 – Land Uses, Sections 20.05.15.2.B. and 20.05.20.2.B., will be amended as follows:

20.05 Residential Land Use Districts

20.05.15. Urban Standard Density (R7) District

2. District Standards and Uses

B. Conditional Uses:

~~13. Two attached dwellings, only in the Beaverton Regional Center area shown on Figure III-1 in the Comprehensive Plan (ORD 3236) (See also Special Regulations Section.) [ORD 4224; August 2002] [ORD 4365; September 2005]~~

Subsequently listed Conditional Uses will be renumbered to reflect the deletion of Conditional Use number 13.

20.05.20. Urban Standard Density (R5) District

2. District Standards and Uses

B. Conditional Uses:

~~13. Two attached dwellings, only in the Beaverton Regional Center area shown on Figure III-1 in the Comprehensive Plan (ORD 3236) (See also Special Regulations Section.) [ORD 4224; August 2002] [ORD 4365; September 2005]~~

Subsequently listed Conditional Uses will be renumbered to reflect the deletion of Conditional Use number 13.

1 **Section 3: The Development Code, Ordinance No. 2050, Chapter 20 –**
2 **Land Uses, Sections, 20.05.50.2.A., will be amended to read as follows:**

3
4 **20.05.50. Site Development Standards**

5
6 *****

7
8 **2. Minimum Lot Dimensions**

9
10 A. Width

11
12 *****

13
14 4. ~~Lot width, in the R4 district, lots that take access from on~~
15 ~~a cul-de-sac, or hammerhead street terminus, or for from~~
16 a flag lot shall be a minimum of 20 feet. [ORD 4047; May
17 1999] [ORD 4224; August 2002]

18
19 5. ~~Notwithstanding Section 60.55.40.1, a~~ A 24 foot lot width
20 is the minimum required for attached dwellings in the R4
21 district. [ORD 4047; May 1999] [ORD 4224; August 2002]

22
23 6. ~~Notwithstanding Section 60.55.40.1, an~~ A 18 foot lot width
24 is the minimum required for attached dwellings in the R2
25 and R1 zoning districts. [ORD 4112; June 2000] [ORD
26 4224; August 2002]

27
28 *****

29
30 **Section 4: The Development Code, Ordinance No. 2050, Chapter 20 –**
31 **Land Uses, Sections 20.10.50.3., will be amended to read as follows:**

32
33 **20.10.50. Site Development Requirements.**

34
35 *****

36 **3. Minimum Yard Setbacks:**

37
38 *****

39
40 E. Under the conditions outlined in Section 60.05.15.6, buildings in
41 commercial zones located on parcels that exceed 60,000 square
42 feet shall be exempt from Section 20.10.50.3.A, minimum
43 setbacks, and shall have a maximum setback of twenty (20) feet.

44 *****

1 **Section 5: The Development Code, Ordinance No. 2050, Chapter 20 –**
2 **Land Uses, Sections 20.20.50.A.4.D, 20.20.50.B.4.D, 20.20.50.D.4.D, and**
3 **20.20.50.E.4.E will be amended to read as follows:**

4
5 **20.20.50. Site Development Requirements**

6
7 **A. Station Areas**

8
9 *****

10
11 4. Building Height:

12
13 *****

14
15 D. The maximum height for wireless communication
16 facilities inclusive of antennas in all station area zoning
17 districts shall be one hundred (100) feet. The maximum
18 height of at-grade equipment shelters for wireless
19 communication facilities in all ~~industrial multiple-use~~
20 zoning districts shall be twelve (12) feet. [ORD 4248; April
21 2003]

22
23 *****

24
25 **B. Station Communities**

26
27 *****

28
29 4. Building Height:

30
31 *****

32
33 D. The maximum height for wireless communication
34 facilities inclusive of antennas in all station community
35 zoning districts shall be one hundred (100) feet. The
36 maximum height of at-grade equipment shelters for
37 wireless communication facilities in all ~~industrial~~
38 ~~multiple-use~~ zoning districts shall be twelve (12) feet.
39 [ORD 4248; April 2003]

40
41 *****

1 **D. Town Centers**

2
3 *****

4
5 4. Building Height:

6
7 *****

8
9 D. The maximum height for wireless communication
10 facilities inclusive of antennas in all town center zoning
11 districts shall be one hundred (100) feet. The maximum
12 height of at-grade equipment shelters for wireless
13 communication facilities in all ~~industrial multiple-use~~
14 zoning districts shall be twelve (12) feet. [ORD 4248; April
15 2003]

16
17 *****

18
19 **E. Regional Centers**

20
21 *****

22
23 4. Building Height:

24
25 *****

26
27 E. The maximum height for wireless communication
28 facilities inclusive of antennas in all regional center
29 zoning districts shall be one hundred (100) feet. The
30 maximum height of at-grade equipment shelters for
31 wireless communication facilities in all ~~industrial~~
32 ~~multiple-use~~ zoning districts shall be twelve (12) feet.
33 [ORD 4248; April 2003]

34
35 *****

1 **Section 6: The Development Code, Ordinance No. 2050, Chapter 40 -**
2 **Applications, Section 40.10.15.1.A and 40.10.15.2.A, will be amended to read**
3 **as follows:**

4
5 **40.10. Adjustment**

6
7 *****

8
9 **40.10.15. Application.**

10
11 *****

12
13 **1. Minor Adjustment**

14
15 A. Threshold. An application for Minor Adjustment shall be
16 required when one or more of the following thresholds apply:

17
18 *****

19
20 3. Involves up to and including a 10% adjustment from the
21 numerical Development Standards for Grading specified
22 in Section 60.15.15.05, Land Division Grading standards
23 of this Code.

24
25 *****

26
27 **2. Major Adjustment**

28
29 A. Threshold. An application for Major Adjustment shall be
30 required when one or more of the following thresholds apply:

31
32 *****

33
34 2. Involves an adjustment of more than 10% and up to and
35 including 50% adjustment from the numerical
36 Development Standards for Grading specified in Section
37 60.15.15.05, Land Division, Grading standards of this
38 Code.

39
40 *****

1 **Section 7: The Development Code, Ordinance No. 2050, Chapter 40 -**
2 **Applications, Section 40.20.15., shall be amended to read as follows:**

3
4 **40.20 Design Review**

5
6 *****

7
8 **40.20.15. Application**

9
10 *****

11
12 **1. Design Review Compliance Letter**

13
14 A. Threshold. An applicant may utilize the Design Review
15 Compliance Letter process when the application is limited to one
16 or more of the following categories of proposed action:

- 17
18 1. Minor design changes to existing building or site
19 including, but not limited to:
- 20
21 a. Façade changes, except changes in color.
 - 22 b. Addition, elimination, or change in location of
 - 23 windows.
 - 24 c. Addition, elimination, or change in location of
 - 25 person doors and loading doors.
 - 26 d. Addition of new and change to existing awnings,
 - 27 canopies, and other mounted structures to an
 - 28 existing façade.
 - 29 e. Demolition or other reduction of up to 25 percent of
 - 30 the existing building square footage.
 - 31 f. Modification of up to 15 percent on-site landscaping
 - 32 with no reduction in required landscaping.
 - 33 g. Modification of off-street parking with no reduction
 - 34 in required parking spaces or increase in paved
 - 35 area.
 - 36 h. Addition of new fences, retaining walls, or both.
 - 37 i. Changing of existing grade.
 - 38 j. Removal of up to 5 Landscape Trees
 - 39 k. Addition of no more than twenty-five (25) percent
 - 40 landscape features that consist only of natural
 - 41 materials.

42
43 *****

44 *****

1 **2. Design Review Two**

- 2
- 3 A. Threshold. An application for Design Review Two shall be
- 4 required when an application is subject to applicable design
- 5 standards and one or more of the following thresholds describe
- 6 the proposal.

7 *****

- 8
- 9
- 10 5. Any change in excess of 15 percent of the square footage
- 11 on on-site landscaping or pedestrian circulations area
- 12 with the exception for an increase in landscape art of up
- 13 to 25 percent.

14 *****

15 *****

16

17

18 **3. Design Review Three.**

- 19
- 20 A. Threshold. An application for Design Review Three shall be
- 21 required when an application is subject to applicable design
- 22 guidelines and one or more of the following thresholds describe
- 23 the proposal:

- 24
- 25 1. New construction ~~or addition~~ of more than 50,000 gross
- 26 square feet of floor area where the development does not
- 27 abut any residential zone.

- 28
- 29 2. New construction ~~or addition~~ of more than 30,000 gross
- 30 square feet of floor area where the development abuts or
- 31 is located within any residential zone.

32 *****

Section 8: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.35.15.1.A.1 shall be amended to read as follows:

40.35 Historic Review

1. Alteration of a Landmark.

A. Threshold. An application for Alteration of a Landmark shall be required when one or more of the following thresholds apply:

1. Changes to any aspect of the exterior appearance, including, but not limited to, ~~paint color~~, exterior finish materials, architectural detailing, and changes to window and door locations or dimensions.

Section 9: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.40.05, shall be amended to read as follows:

40.40.05. Purpose.

The ~~provisions purpose of the Home Occupation application~~ is to provide recognition of the needs or desires of ~~many~~ people to engage in small scale business ventures at home. *****

Section 10: The Development Code, Ordinance No. 2050, Chapter 40 - Applications, Section 40.45.15.4.A.1 and Section 40.45.15.5.A.1. shall be amended to read as follows:

40.45 Land Division

40.45.15. Application.

4. Preliminary Fee Ownership Partition.

A. Threshold. An application for Preliminary Fee Ownership Partition shall be required when the following threshold applies:

- 1 1. The creation of up to and including three (3) new lots from
2 a lot of record in one calendar year in Commercial,
3 Industrial or Multiple Use zones which do not meet the
4 access requirements contained in Section 60.55.40.1 of
5 this Code, or which do not meet ~~all of the setback, lot, or~~
6 ~~both dimension~~ Site Development Requirements of
7 Chapter 20 (Land Uses) for new lots in Commercial,
8 Industrial, or Multiple Use zones where an Adjustment,
9 Variance, or Planned Unit Development application will
10 not be filed to address the same Site Development
11 Requirements. [ORD 4265; September 2003]

12 *****

13
14 **5. Preliminary Fee Ownership Subdivision.**

- 15
16 A. Threshold. An application for Preliminary Fee Ownership
17 Subdivision shall be required when one or more of the following
18 thresholds apply:

- 19
20 1. The creation of four (4) or more new lots from a lot of
21 record in one (1) calendar year which do not meet ~~all of~~
22 ~~the setback, lot, or both dimension~~ Site Development
23 Requirements of Chapter 20 (Land Uses) for new lots in
24 Commercial, Industrial, or Multiple Use zones where an
25 Adjustment, Variance, or Planned Unit Development
26 application will not be filed to address the same Site
27 Development Requirements.

28 *****

29
30
31
32 **Section 11:** The Development Code, Ordinance No. 2050, Chapter 40 -
33 **Applications, Section 40.55.15.2.A., shall be amended to read as follows:**

34
35 **40.55 Parking Determination**

36 *****

37
38
39 **2. Shared Parking**

- 40
41 A. Threshold. An application for Shared Parking shall be required
42 when one or more of the following thresholds apply:

43 *****
44

- 1
2 2. All or a portion of the required parking will be provided at
3 an off-site location.
4

5 *****
6

7 **Section 12: The Development Code, Ordinance No. 2050, Chapter 40 -**
8 **Applications, Section 40.60.15.1.C.5 will be amended to read as follows:**
9

10 **40.60 Sign**
11

12 *****
13

14 **1. Sign.**
15

16 *****
17

18 **C. Approval Criteria**
19

20 *****
21

- 22 5. The proposed sign is in conformance with the vision
23 clearance standards specified in the Engineering Design
24 Manual Section 60.55.50 (Intersection Standards).
25

26 *****
27
28

29 **Section 13: The Development Code, Ordinance No. 2050, Chapter 40 -**
30 **Applications, Section 40.90.10, will be amended to read as follows:**
31

32 **40.90 Tree Plan**
33

34 *****
35

36 **40.90.10. Applicability**
37

38 *****
39

- 40 5. Pruning of trees consistent with the Vision Clearance requirements of
41 the Engineering Design Manual Section 60.55.50.
42

43 *****
44

- 1 17. Removal of a tree(s) due to emergency repair and/or maintenance of
2 existing sanitary sewer lines and existing storm sewer lines located
3 within a SNRA.

4
5 *****

6
7
8 **Section 14: The Development Code, Ordinance No. 2050, Chapter 50 -**
9 **Procedures, Sections 50.25.11, will be amended to read as follows:**

10
11 **50.25 Application Completeness**

12
13 *****

- 14
15 11. ~~Pursuant to Section 50.25.3, an application will not be complete until~~
16 ~~the required fee has been received by the City.~~ For any application
17 which has been on file with the City for more than 180 calendar days
18 and the applicant has not met the obligations of Section 50.25.7, paid
19 ~~the required fee,~~ the application will be deemed withdrawn.

20
21 *****

22
23
24 **Section 15: The Development Code, Ordinance No. 2050, Chapter 50 -**
25 **Procedures, Section 50.40.2.B., 50.45.2.B., and 50.50.2.B. shall be amended**
26 **to read as follows:**

27
28 **50.40. Type 2**

29
30 *****

- 31
32 2. Approximately seven (7) calendar days after the application has
33 been determined to be or deemed complete, the Director shall
34 mail a written notice to:
35
36 A. The applicant and the property owner.
37
38 B. The NAC Chair in which the subject property is located
39 and any other NAC Chair whose boundaries are within
40 three hundred (300) feet of the subject property.

41
42 *****
43
44

1 **50.45. Type 3**

2
3 *****

4
5 2. Approximately seven (7) calendar days after the application has
6 been determined to be or deemed complete, the Director shall
7 mail a written notice to:

8
9 A. The applicant and the property owner.

10
11 B. The NAC Chair in which the subject property is located
12 and any other NAC Chair whose boundaries are within
13 five hundred (500) feet of the subject property.

14
15 *****

16
17 **50.50. Type 4**

18
19 *****

20
21 2. Not more than forty (40) nor less than twenty (20) calendar days before
22 the date of the initial hearing of the decision making authority on an
23 ordinance that proposes to legislatively change the zoning map or to
24 amend the text of the Development Code, the Director shall mail notice
25 of the hearing to:

26
27 A. The applicant if other than the City.

28
29 B. All NAC Chairs in whose area there is property that in the
30 Director's opinion could be affected by the proposed ordinance, if
31 adopted.

32
33 *****

34
35
36 **Section 16:** The Development Code, Ordinance No. 2050, Chapter 50 -
37 **Procedures, Section 50.83, Testimony, Exhibits, and Other Evidence before**
38 **the Planning Commission and Board of Design Review, shall be amended**
39 **to read as follows:**

40
41 **50.83. Testimony, Exhibits, and Other Evidence before the Planning**
42 **Commission and Board of Design Review.**

43
44 *****

2. Any person may submit exhibits or written comments prior to the hearing. All submittals shall be made on 8 ½ by 11 inch standard bond paper. All submittals which are more than two (2) letter sized pages must include ~~of~~ no fewer than ten (10) complete copies of the materials being submitted. Written comments or exhibits submitted prior to the hearing to be submitted by staff at the hearing must be received by the Director no later than 4:30 p.m. on the day of the scheduled hearing.

Section 17: The Development Code, Ordinance No. 2050, Chapter 50, Procedures, Section 50.90.1.B and 50.90.1.D. shall be amended to read as follows:

50.90. Expiration of a Decision

- B. Two (2) years from the effective date of decision:

Accessory Dwelling Unit (40.05.15.1)
Administrative Conditional Use (40.15.15.3)
Alteration of a Landmark (40.35.15.1)
~~Commercial Timber Harvest (40.90.15.4)~~
Conditional Use (40.15.15.4)
Demolition of a Landmark (40.35.15.3)

- D. No expiration date:

Director's Interpretation (40.25.15.1)
Discretionary Annexation Related Zoning Map Amendment (40.97.15.4).
Legislative Zoning Map Amendment (40.97.15.2)
Non-Discretionary Annexation Related Zoning Map Amendment (40.97.15.3)
Quasi-Judicial Zoning Map Amendment (40.97.15.1)
Street Vacation (40.75.15.1)
Text Amendment (40.85.15.1)
~~Tree Plan Four (40.90.15.4)~~

1 **Section 18: The Development Code, Ordinance No. 2050, Chapter 60 -**
2 **Special Requirements, Section 60.05.25.10 and 60.05.45.9 shall be amended**
3 **to read as follows:**

4
5
6 **60.05.25 Landscape, Open Space and Natural Areas Standards**

7
8 *****

9
10 **10. Landscape Buffering Requirements.** All new development and
11 redevelopment in the City subject to Design Review shall comply with
12 the landscape buffering requirements of Table 60.05-2 and the
13 following standards. For purposes of this Section, a landscape buffer is
14 required along the side and rear of properties between different zoning
15 district designations. A landscape buffer is required for non-
16 residential land uses and parks in residential zoning districts. Both
17 buffering standards and side and rear building setback requirements
18 shall be met. Only landscaping shall be allowed in the landscape
19 buffer areas. Buffer areas and building setback standards are
20 measured from the property line, they are not additive. Where a yard
21 setback width is less than a landscape buffer width, the yard setback
22 width applies to the specified buffer designation (B1, B2, or B3 as
23 appropriate). A landscape buffer width cannot exceed a minimum yard
24 setback dimension. In addition, the buffer area and landscape
25 standard are intended to be continuously applied along the property
26 line, except as authorized under Section ~~60.05.25.4~~ ~~60.05.45.9~~

27
28 *****

29
30 **60.05.45. Landscape, Open Space, and Natural Areas Design Guidelines.**

31
32 *****

33
34 **9. Landscape Buffering and Screening**

35
36 A. A landscape buffer should provide landscape screening, and
37 horizontal separation between different zoning districts and
38 between non-residential land uses and residential land uses.
39 The buffer standards shall not be applicable along property lines
40 where existing natural features such as flood plains, wetlands,
41 riparian zones and identified significant groves already provide
42 a high degree of visual screening. (Standard ~~60.05.25.9-10~~)

43
44 *****

1 **Section 19: The Development Code, Ordinance No. 2050, Chapter 60 -**
2 **General Provisions, Section 60.30.05.3, shall be amended to read as follows:**

3
4 **60.30.05 Off-Street Parking Requirements.**

5
6 *****

- 7
8 3. Bicycle Parking. [ORD 3965, October 1996] Bicycle parking shall be
9 required for all multi-family residential developments of four units or
10 more, all retail, office and institution developments, and at all transit
11 stations and park and ride lots which are proposed for approval after
12 November 6, 1996. The number of required bicycle parking spaces
13 shall be provided according to Section 60.30.10.5. All bike parking
14 facilities shall meet the specifications, design and locational criteria as
15 delineated in this section and ~~Section 60.55.65. of this Code the~~
16 ~~Engineering Design Manual.~~

17
18 *****

19
20
21 **Section 20: The Development Code, Ordinance No. 2050, Chapter 60 -**
22 **Special Regulations, Sections 60.50.15., will be amended to read as follows:**

23
24 **60.50.15. Projections into Required Yards and Public Right-of-Way.**

- 25
26 1. The following structures may project into required yards, but may not
27 project into a utility easement.

28
29 *****

- 30
31 F. Bay windows ~~without a foundation~~ may project into the front
32 and rear yard setback by not more than 2 feet ~~and may not~~
33 ~~occupy more than 50 percent of any one wall plane of a~~
34 ~~structure.~~ (ORD 3739)

35
36 *****

1 **Section 21: The Development Code, Ordinance No. 2050, Chapter 60 -**
2 **Special Regulations, Section 60.55.25.9, shall be amended to read as**
3 **follows:**

4
5 **60.55.25. Street and Bicycle and Pedestrian Connections**

6
7 *****

- 8
9 9. Accessways are one or more connections that provide bicycle and
10 pedestrian passage between streets or a street and a destination.
11 Accessways shall be provided as required by this code and where full
12 street connections are not possible due to the conditions described in
13 ~~60.55.25.14~~ ~~60.55.25.13~~.

14
15 An accessway will not be required where the impacts from
16 development, redevelopment, or both are low and do not provide
17 reasonable justification for the estimated costs of such accessway.

- 18
19 A. Accessways shall be provided as follows:

20
21 *****

- 22
23 2. If any of the conditions described in ~~60.55.25.14~~
24 ~~60.55.25.13~~ result in block lengths longer than 1200 feet
25 as measured from the near side right-of-way line of the
26 subject street to the near side right-of-way line of the
27 adjacent street, then two or more accessways may be
28 required through the block.
29
30 3. Where a street connection is not feasible due to conditions
31 described in ~~60.55.25.14~~ ~~60.55.25.13~~, one or more new
32 accessways to any or all of the following shall be provided
33 as a component of the development if the accessway is
34 reasonably direct: an existing transit stop, a planned
35 transit route as identified by TriMet and the City, a
36 school, a shopping center, or a neighborhood park.

37
38 *****
39
40
41
42
43
44

1 **Section 22:** The Development Code, Ordinance No. 2050, Chapter 60 -
2 **Special Regulations, Section 60.70.20.1., shall be amended to read as**
3 **follows:**

4
5 **60.70.20. Exemptions**

- 6
7 1. All of the following are exempt from the regulations contained in this
8 section of the Code:

9
10 *****

- 11
12 I. Antennas installed by a public agency for the purpose of
13 emergency communications that are less the 30-inches in
14 diameter affixed to existing structures with associated
15 equipment completely located within the interior of an existing
16 or proposed structure.

17
18 *****

19
20 **Section 23:** The Development Code, Ordinance No. 2050, Chapter 60 -
21 **General Provisions, Section 60.70.35.1.E shall be amended to read as**
22 **follows:**

23
24 **60.70.35. Development Standards for WCF**

25
26 *****

- 27
28 1. **General:**

29
30 *****

- 31
32 E. ~~On new towers, d~~ Davit arms extending a maximum of five (5)
33 feet out from the connection with the tower body may be used to
34 support individual antennas.

35
36 *****

1 **Section 24: The Development Code, Ordinance No. 2050, Chapter 60 -**
2 **Special Regulations, Section 60.70.50.1.C. shall be amended to read as**
3 **follows:**

4
5 **60.70.50 Required Studies and Information.**

6
7 *****

8
9 C. All WCF applications abutting or within residential, or multiple
10 use zoning districts proposing exterior at-grade equipment
11 shelters shall be accompanied by the equipment manufacturer's
12 written noise specifications if these specifications are proposed
13 to be followed. ~~If the operational specifications are not to be~~
14 ~~followed, or if there are no specifications available, a written~~
15 ~~analysis prepared by a licensed engineer addressing conformity~~
16 ~~to the noise standards specified in Section 60.70.35.9 shall be~~
17 ~~submitted.~~

18
19 *****

20
21
22 **Section 25: The Development Code, Ordinance No. 2050, Chapter 90,**
23 **Definitions, will be amended as follows:**

24
25 *****

26
27 **Lot Area.** The computed area contained within the lot lines, exclusive of street or
28 alley rights-of-way ~~and easements of access to other property.~~

29
30 *****

31
32 ~~**One-Third Octave Band Sound Pressure Level.** The sound pressure level for~~
33 ~~the sound being measured within the specified one third octave band at the~~
34 ~~PREFERRED FREQUENCIES. The reference pressure is 20 micropascals (20~~
35 ~~micronewtons per square meter).~~

36
37 *****

38
39 **Surplus Parking –** Off-street parking that is greater in number than the
40 maximum required off-street parking.

41
42 *****